



24 FEBRUARY 2003

Meeting No 1377

MINUTES of a Meeting of the Council of the City of Sydney held in the Council Chamber at the Sydney Town Hall, commencing at 5.45pm on 24 February 2003 pursuant to Notice 2/1377 dated 20 February 2003.

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PRESENT

The Right Hon The Lord Mayor Councillor Frank Sartor
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner, Fabian Marsden and Lucy Turnbull.

At the commencement of business at 5.45pm those present were:-

The Lord Mayor, Councillors Coulton, Greiner, Marsden and Turnbull.

The General Manager, General Counsel, Director Corporate Services, Director City Development and Projects, Acting Director Living City Services and Acting Director Asset Management and Compliance were also present.

Opening Prayer

The Lord Mayor opened the meeting with prayer.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the meeting of Council as he was overseas.

Councillor Robert Ho extended his apologies for his inability to attend the meeting of Council as he was overseas.

Moved by Councillor Greiner, seconded by Councillor Turnbull -

That the apologies from Councillor Farr-Jones and Councillor Ho be accepted and leave of absence from the meeting be granted.

Carried.

ITEM 1. CONFIRMATION OF MINUTES**Minutes of Council Meeting of 9 December 2002**

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the minutes of the meeting of Council of 9 December 2002, as circulated to Councillors, be confirmed.

Carried.

Minutes of Extraordinary Meeting of Council of 16 December 2002

Moved by Councillor Turnbull, seconded by Councillor Marsden -

That the minutes of the extraordinary meeting of Council of 16 December 2002, as circulated to Councillors, be confirmed.

Carried.

Note - The minutes of the extraordinary meeting of Council held on 17 February 2003 will be submitted for confirmation to the meeting of Council on 17 March 2003.

ITEM 2: MINUTE BY THE LORD MAYOR - WENTWORTH PARK DEED

At this stage of the meeting, the Chairman (the Lord Mayor) foreshadowed that he would be introducing a confidential Minute by the Lord Mayor.

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That consideration of the confidential Minute by the Lord Mayor be deferred to the end of the meeting and dealt with in closed session.

Carried.

ITEM 3. MEMORANDA BY THE GENERAL MANAGER

There is one confidential Memorandum by the General Manager which is dealt with at Item 19 on the Business Paper.

ITEM 4. MATTERS FOR TABLING

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Disclosure of Pecuniary Interest returns be received and noted.

Carried.

ITEM 5. REPORT OF THE PRIORITIES AND OUTCOMES COMMITTEE - 16 DECEMBER 2002

PRESENT

The Right Hon the Lord Mayor Councillor Frank Sartor
(Chairman)

Councillors Dixie Coulton and Lucy Turnbull.

At the commencement of business at 2.05pm, those present were:-

The Lord Mayor and Councillor Turnbull.

Councillor Coulton arrived at the meeting of the Priorities and Outcomes Committee at 2.08pm during discussion on Item 1.

Apologies

Councillor Fabian Marsden extended his apologies for his inability to attend the meeting of the Priorities and Outcomes Committee owing to a prior commitment.

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That the apology from Councillor Marsden be accepted and leave of absence from the meeting be granted.

Carried.

Closed Meeting

At 2.06pm the Priorities and Outcomes Committee resolved to close the meeting to the public to discuss Item 1 the Agenda.

The meeting of the Priorities and Outcomes Committee concluded at 2.15pm.

Report of the Committee

The Priorities and Outcomes Committee recommended that Council note that Item 5.1 was determined by the Priorities and Outcomes Committee under delegated authority.

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That the Report of the Priorities and Outcomes Committee of its meeting of 16 December 2002 be received, and the recommendations set out below for Item 5.1 be noted.

Carried.

Closed meeting

At 2.06pm the Priorities and Outcomes Committee resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of Section 10A(2)(c) of the Local Government Act 1993 to discuss Item 5.1 on the agenda as this matter comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business;

and it was further resolved that the meeting be closed for this item on the basis that discussion of this matter in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matter and the circumstances of communications.

Item 5.1 was then dealt with by the Priorities and Outcomes Committee while the meeting was closed to the public and was subsequently dealt with by Council in open session.

EXTERNAL AUDIT SERVICES TENDER (S019412)

5.1

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Finance Manager to the Priorities and Outcomes Committee on 16 December 2002, on the External Audit Services Tender, it be resolved that approval be given to the issue of the Tender Specifications shown at Attachment A to the subject report, as amended at the meeting of the Priorities and Outcomes Committee, in respect of external audit services for the period 2002/03 to 2007/08.

Carried.

ITEM 6. REPORT OF THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE - 17 FEBRUARY 2003

PRESENT

Councillor Lucy Turnbull
(Chairman)

Councillors - Dixie Coulton, Kathryn Greiner and Fabian Marsden.

At the commencement of business at 6.25pm those present were -

Councillors Coulton, Greiner, Marsden and Turnbull.

Apologies

Councillor Nick Farr-Jones extended his apologies for his inability to attend the Meeting of the Planning Development and Transport Committee as he was overseas.

Councillor Robert Ho extended his apologies for his inability to attend the Meeting of the Planning Development and Transport Committee as he was overseas.

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the apologies from Councillor Farr-Jones and Councillor Ho be accepted and leave of absence from the meeting be granted.

Carried.

Order of Business

The Planning Development and Transport Committee resolved, in accordance with Clause 12(2) of the Local Government (Meetings) Regulation 1999, that the order of business be altered, such that the agenda items be dealt with in the following order:

4. Integrated Development Application for 99-119 Macquarie Street, Sydney (Transport House and Hotel Intercontinental)
5. Development Application: 203-209 Thomas Street, Haymarket
3. Draft Amendments to Central Sydney Local Environmental Plan 1996
1. Progress Report on Development Applications

The meeting of the Planning Development and Transport Committee concluded at 7.58 pm.

Report of the Committee

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That the Report of the Planning Development and Transport Committee of its meeting of Monday 17 February 2003 be received, and the recommendations set out below for Items 6.1 to 6.3, inclusive, and Item 6.5 be adopted, with Item 6.4 being noted.

Carried.

The Committee recommended the following:-

PART "A" - DETERMINED BY COUNCIL

PROGRESS REPORT ON DEVELOPMENT APPLICATIONS (A03-00138/1)

6.1

That the report by the Manager Development to the Planning Development and Transport Committee on 17 February 2003, on Progress Report on Development Applications, be received and noted.

Carried.

REZONING APPLICATION FOR KING STREET WHARVES 9 AND 10 (DRAFT AMENDMENT 15) (SO20670)

6.2

Note - No report was submitted and this matter was not discussed at the meeting of the Planning Development and Transport Committee.

DRAFT AMENDMENTS TO CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996 (SO16796)

6.3

That consideration of this matter be deferred to the meeting of Council on 24 February 2003.

Carried.

Note - Ms Penny Hollott addressed the meeting of the Planning Development and Transport Committee on Item 6.3.

Note - This matter was dealt with Council as Item 7 on the Business Paper.

PART "B" - DETERMINED BY THE PLANNING DEVELOPMENT AND TRANSPORT COMMITTEE UNDER DELEGATED AUTHORITY

The Planning Development and Transport Committee recommended that Council note that Item 6.4 was determined by the Planning Development and Transport Committee under delegated authority

Carried.

INTEGRATED DEVELOPMENT APPLICATION FOR 99-119 MACQUARIE STREET, SYDNEY (TRANSPORT HOUSE AND HOTEL INTERCONTINENTAL) (D2002/00739)

6.4

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Specialist Planner to the Planning Development and Transport Committee on 17 February 2003 in relation to Development Application D2002/00739 made by Bovis Lend Lease Pty Limited for the site at 99-119 Macquarie Street, Sydney (Transport House and Hotel Intercontinental) for alterations, refurbishment and conservation of the existing buildings including the construction of a roof addition on the western side of Transport House, it be resolved that:

- (A) the requirement for a Development Plan be waived in accordance with Clause 28B(4)(e) of the Central Sydney Local Environmental Plan 1996; and
- (B) consent be granted subject to the following conditions:-

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

Note 2: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D2002/00739 dated 22 October 2002 and the Statement of Environmental Effects prepared by BBC Consulting Planners, dated October 2002 and the following drawings numbered prepared by Crone Nation Architects:

Drawing Number:	Date:
ADA 0102D	21.10.02
ADA B 1001D	21.10.02
ADA B 1002D	21.10.02
ADA B 1003D	21.10.02
ADA B 1004D	21.10.02
ADA P 1005D	21.10.02
ADA P 1006D	21.10.02
ADA P 1007D	21.10.02
ADA P 1008D	21.10.02
ADA P 1009D	21.10.02
ADA P 1010D	21.10.02
ADA P 1011D	21.10.02
ADA P 1012D	21.10.02
ADA T 1013D	21.10.02
ADA T 1014D	21.10.02
ADA T 1015D	21.10.02
ADA T 1016D	21.10.02
ADA T 1017D	21.10.02
ADA T 1018D	21.10.02
ADA T 1019D	21.10.02
ADA 2001D	21.10.02
ADA 2002D	21.10.02
ADA 2003D	21.10.02
ADA 2004D	21.10.02
ADA 2101D	21.10.02
ADA 2102D	21.10.02
ADA 3001D	21.10.02
ADA 3002D	21.10.02
ADA 3101D	21.10.02
ADA 3102D	21.10.02
ADA 3103D	21.10.02
ADA 3104D	21.10.02

and as amended by the following conditions:

CONSTRUCTION LIAISON COMMITTEE

- (2) A Construction Liaison Committee shall be established within 14 days of the issue of the Construction Certificate. Details and terms of reference of the Committee are to be in writing and to the satisfaction of Council. The Construction Liaison Committee shall comprise a representative of Sir Stamford and Circular Quay Pty Ltd and the applicant. The applicant shall notify the Construction Liaison Committee of the construction program and any changes to that program not requiring modification of the consent in order to resolve any issues relating to noise and disturbance.”

SECTION 61 CONTRIBUTION

- (3) A contribution under Section 61 of the City of Sydney Act 1988 shall be paid in accordance with the following:

(a) **Cash Contribution Required**

- (i) In accordance with the adopted “Central Sydney Contributions Plan 1997” a cash contribution must be paid to Council in accordance with this condition.
- (ii) Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.

(b) **Amount of Contribution**

- (i) The amount of the contribution will be equivalent to 1% of the development cost, at the Construction Certificate stage, as determined in accordance with the “Central Sydney Contributions Plan 1997” excluding ONLY the cost of land, marketing expenses (excluding display suites), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.
- (c) Certification of the calculation of the contribution in accordance with the “Central Sydney Contribution Plan 1997” shall be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
- (i) If the Construction Certificate is to be issued by a private Principal Certifying Authority (P.C.A), the P.C.A must obtain Council’s written endorsement of the calculation prior to the issue of the Construction Certificate. Copies of the letter of endorsement from Council are to be retained by the P.C.A with all other records of the approved Construction Certificate and a copy forwarded to Council accompanying the approved Construction Certificate.

- (ii) For developments over \$200,000 in cost, the certification of the building costs must be prepared by a Registered Quantity Surveyor and must stipulate all inclusions and exclusions made in carrying out the certification. The calculation must include all development costs excluding ONLY the cost of land, marketing expenses (excluding display suites), finance and interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment and loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.

(d) **Timing of Payment**

The contribution must be paid prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

APPROVED DESIGN

- (4) The approved design (including an element or detail of that design) or materials, finish or colour of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

BUILDING HEIGHT

- (5)
 - (a) The height of the building (as defined in the Dictionary in the Central Sydney Local Environmental Plan 1996) must not exceed RL 114.55 (Hotel Intercontinental) and RL 47.4 (Transport House) (AHD).
 - (b) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the height of the building, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).

FLOOR SPACE RATIO

- (6) The following applies to Floor Space Ratio:-
 - (a) The Floor Space Ratio of the proposal must not exceed 8.97:1 calculated in accordance with the Central Sydney Local Environmental Plan 1996. For the purpose of the calculation of FSR, the Floor Space Area of the development (including the Transport House site and the Hotel Intercontinental/Treasury Building site) is 49,456sqm.

- (b) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a Registered Surveyor shall provide certification of the total and component Floor Space Areas (by use) in the development, to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier).
- (c) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, documentary evidence (ie. a Heritage Floor Space Allocation Certificate issued by Council) must be produced and acknowledged by Council that 358sqm of heritage floor space was allocated (purchased and transferred) to the development, being that floor space for the Hotel Intercontinental/Treasury Building in excess of 39,616sqm as specified in the Central Sydney Local Environmental Plan 1996.

AWARD OF HERITAGE FLOOR SPACE

- (7) The owner may be awarded 4,718sqm of heritage floor space under the provisions of the Central Sydney Local Environmental Plan 1996, if the elements set out in the following clauses are satisfied:-
 - (a) The owner shall complete the conservation work approved by this development consent (as detailed in "Outline Schedule of Conservation Works to Former Transport House, 99 Macquarie Street, Sydney, prepared by Truman, Zaniol & Associates Pty Ltd dated 17 October 2002) and future Construction Certificates under the Environmental Planning and Assessment Act 1979, prior to the registration of such heritage floor space (HFS) in Council's Heritage Floor Space Register;
 - (b) The owner shall enter into a deed with Council and register any required covenants on the title of the land on the completion of the conservation works to:-
 - (i) ensure the continued conservation and maintenance of the building; and
 - (ii) limit any future development of the site to the total area of the conserved building, which has a FSA of 9,124sqm.
 - (c) All legal documentation shall be prepared by Council's solicitor. The cost of preparation and registration of all documentation must be borne by the owner.
 - (d) The owner will only be registered as the owner of 4,718sqm of heritage floor space following the completion of paragraphs (a) - (c) of this condition.
 - (e) On the satisfactory completion of (a) - (c) above, and on application to Council, the owner will be issued with a letter of registration of HFS.

REPORTS TO BE COMPLIED WITH

- (8) The development shall be in accordance with the recommendations of the following:
- (a) Transport House Conservation Plan – prepared by Godden Mackay Logan dated January 2002;
 - (b) Heritage Impact Statement prepared by Truman Zaniol and Associates Pty Ltd dated October 2002; and
 - (c) Archaeological Assessment prepared by Banksia Heritage + Archaeology dated October 2002.

PHOTOGRAPHIC ARCHIVAL DOCUMENTATION

- (9) Archival recording for deposit in the City of Sydney Archives must be carried out prior to the removal of any significant building fabric or furnishings from the site, during the removal of fabric on site that exposes significant building fabric or furnishings, and after work has been completed on site, as considered appropriate by the conservation architect commissioned for the project.
- (a) The archival record of significant building fabric or furnishings from the site must be submitted to Council prior to the commencement of any demolition work and prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.
 - (b) The archival record of significant building fabric or furnishings from the site that is exposed during demolition or construction and after work has been completed on site is required to be submitted to Council prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (10) The form of recording is to be as follows:-
- (a) Photographic documentation of the site and its context, and the exteriors and interiors of the existing building(s), photographed where appropriate, using a camera/lens capable of ‘perspective correction’, comprising:-
 - (i) 35mm colour slides, numbered and referenced to the site and building plans, and presented in archival quality storage sheets;
 - (ii) 35mm or 120mm black and white film, numbered and referenced to the site and building plans, with negatives developed to archival standards, and one copy of a contact sheet printed on fibre-based paper to archival standards;

- (iii) selective black and white enlargements to be advised by Council, printed on fibre-based paper to archival standards to a minimum size of 20cm x 25cm, illustrating the location and context of the site/building, the relationship of adjacent buildings, building elevations, and important interior and exterior architectural spaces and features of the building/site;
- (iv) A summary report of the photographic documentation, detailing;
 - a. the project description, method of documentation, and any limitations of the photographic record; and
 - b. photographic catalogue sheets, which are referenced to a site plan and floor plans no larger than A3, and indicating the location and direction of all photos (black & white prints and slides) taken.
- (v) Written confirmation that the Council reserves the right to use the photographs for its own purposes and for genuine research purposes.

PROPOSED BRIDGES TO THE REGISTRATION HALL

- (11) The two proposed bridges to the Registration Hall shall be redesigned to provide a single lightweight structure that does not obscure vista within the space. The detailed design of the bridge, including proposed materials and finishes, shall be submitted for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.

HERITAGE

- (12) The proposed works are to be carried out in a manner that minimises demolition, alterations, new penetrations/fixings to the significant fabric of the existing buildings which are listed as a Heritage Item.
- (13) New services are to be surface mounted rather than chased-in to existing walls to minimise impact on heritage fabric.
- (14) The applicant is to commission an experienced conservation architect to work with the consultant team throughout the design development, contract documentation and construction stages of the project. The conservation architect is to be involved in the resolution of all matters where existing significant fabric and spaces are to be subject to preservation, restoration, reconstruction, adaptive reuse, recording and demolition. The conservation architect is to be provided with full access to the site and authorised by the applicant to respond directly to Council where information or clarification is required regarding the resolution of heritage issues throughout the project.
- (15) The applicant is to commission experienced tradespersons (as appropriate) that are skilled in traditional building and engineering trades to carry out the proposed scope of works.

- (16) Prior to the issue of a Construction Certificate an Interpretation Strategy for the site must be submitted to and approved by the Director City Development and Projects.
- (17) The Interpretation Strategy should include, but is not limited to, the provision of details, of public art interpretation through design and/or the display of selected artefacts and/or other material, appropriate to the education of the public in the history and significance of the site.
- (18) The approved Interpretation Strategy shall be implemented to the satisfaction of the Director City Development and Projects prior to the registration of Heritage Floor Space.
- (19) Existing elastomeric pointing (potentially damaging) to the sandstone of the Macquarie Street façade if the north wing of the Treasury Building is to be replaced with lime mortar (and mason's putty where there is evidence of its use) as part of the works.
- (20) Samples of door hardware of POPE areas in the heritage buildings to be submitted for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.
- (21) A detailed methodology for the identification, labelling, removal and on-site storage of original fabric scheduled for displacement or reuse shall be submitted for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.
- (22) The Conservation Management Plan shall be amended to include a long term conservation management provisions, specially relating to the scope of works approved in this application. The amended CMP shall be submitted for approval by the Director City Development and Projects prior to the issue of a Construction Certificate.
- (23) Where internal partitions meet external walls they shall abut window mullions. Columns or other such building elements and not glazing.

ARCHAEOLOGICAL INVESTIGATION

- (24)
 - (a) The applicant must apply to the Heritage Office for an excavation permit under Section 140 of the Heritage Act 1977.
 - (b) Should any potential archaeological deposit likely to contain Aboriginal artefacts be identified during the planning or historical assessment stage, application be made by a suitably qualified archaeologist to the National Parks and Wildlife Service (NPWS) for an excavation permit for Aboriginal relics.

- (c) The applicant shall comply with the conditions and requirements of any excavation permit required, and are to ensure that allowance for compliance with these conditions and requirements into the development program.
- (d) General bulk excavation of the site is not to commence prior to compliance with the conditions and requirements of any excavation permit required.
- (e) Should any historical relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance to the area is to stop immediately and the Heritage Council of NSW should be informed in accordance with section 146 of the Heritage Act 1977.
- (f) Should any Aboriginal relics be unexpectedly discovered in any areas of the site not subject to an excavation permit, then all excavation or disturbance of the area is to stop immediately and the (NPWS) is to be informed in accordance with Section 91 of the National Parks and Wildlife Act, 1974.

Note:

In some circumstances, conditions imposed by the Heritage Office or NPWS could delay and/or affect how the DA is to proceed.

FURTHER DETAILS TO BE SUBMITTED

- (25) The external treatment of the east stairwell of the Transport House roof addition shall be revised to be consistent with the prevailing proportions of the original building. Design details, including revised materials and finishes, be submitted for approval by the Director City Development and Projects for approval prior to the issue of a Construction Certificate.
- (26) Details of the proposed cover over the new walkway to Macquarie Street between Transport House and the Treasury Building, including the design, materials and finishes, shall be submitted to the Director City Development and Project for approval prior to the issue of a Construction Certificate.
- (27) Further plans and specifications showing details of the layout and method of installation of fittings, together with wall, floor and ceiling finishes for all new food premises in this approval are to be submitted to Council's Health Section for approval prior to the issue of a Construction Certificate.

RESTAURANT ON LEVEL 32

- (28) The hours of operation of the external deck area for the proposed restaurant on Level 32 of the Hotel Intercontinental Tower shall be restricted between 7.00am and 12.00midnight, 7 days a week.

USE OF ROOF AREAS ON TRANSPORT HOUSE

- (29) The use of the Transport House areas to the east of the proposed roof addition shall be restricted to passive recreation and emergency egress only. The use of the area after 12.00 midnight, 7 days a week shall be restricted to emergency egress only.

MAXIMUM POPULATION IN THE PROPOSED POPE ON LEVEL 3

- (30) The maximum population of the proposed Place of Public Entertainment (POPE) on Level 3 (ballroom) is 350 persons.

BUILDINGS

- (31) Pursuant to Clause 94 of the Environmental Planning and Assessment Regulation, the building/s must be upgraded to comply with the Building Code of Australia Upgrade Strategy Report CS021025RP01B dated 8 October prepared by Advance Building Approvals subject to the following additional requirements:
- (a) Sprinkler protection must be extended to all portions of the building;
 - (b) Smoke hazard management must be provided to the existing carpark levels in accordance with Performance Requirement EP2.2 of the Building Code of Australia;
 - (c) Steel structures within the existing building/s must be protected to comply with Performance Requirement EP2.2 of the Building Code of Australia;
 - (d) A minimum of three accommodation rooms in the existing Hotel Intercontinental must be accessible and provided with sanitary facilities for use by persons with disabilities in accordance with AS 1428.1;
 - (e) A minimum of one lift within the Hotel Intercontinental must be upgraded to comply with E3.6 of the Building Code of Australia;
 - (f) Doors and latches within the existing Place of Public Entertainment areas within the Hotel Intercontinental must be upgraded to comply with NSW D2.19 & NSW D2.12 of the Building Code of Australia;
 - (g) Emergency lighting and exit signs in the Hotel Intercontinental and Transport House must be upgraded to comply with Part E of the Building Code of Australia;
 - (h) An Emergency Evacuation Plan complying with AS 3745 and the requirements of the Fire Engineer must be prepared for the building/s prior to the completion of works. A copy must be submitted to Council with the essential services certification;
 - (i) Signage must be provided to the doors in the building/s in accordance with D2.23 of the Building Code of Australia;

- (j) The fire hazard properties of curtains, blinds and furniture within the existing and proposed Place of Public Entertainment areas of both buildings must comply with NSW Specification C1.10 of the Building Code of Australia;
 - (k) The mechanical ventilation system within the existing and proposed Place of Public Entertainment areas of the building/s shall either:
 - (i) automatically shut-down on activation of the fire detection and alarm system or sprinkler system within the building in accordance with the requirements of NSW Table E2.2b of the Building Code of Australia, or otherwise
 - (ii) comply with Performance Requirement EP2.2 of the Building Code of Australia;
- (32) A Management in Use Plan must be prepared by the Fire Engineer for the building. The plan must be included in the schedule of essential fire safety and other measures for the building.

DEMOLITION/SITE RECTIFICATION

- (33) Demolition or excavation must not commence until a Construction Certificate has been issued under the Environmental Planning and Assessment Act 1979 for construction of the substantive building.

CAR PARKING

- (34) The following condition applies to car parking:-
- (a) The on site car parking spaces are not to be used by those other than hotel guests, function patrons and staff of the subject building and the registered proprietor of the development site or part thereof shall not enter into an agreement to lease, license or transfer ownership of such car parking spaces.
 - (b) Car parking spaces used in connection with hotel function areas are to be only available to patrons while using the function facilities and must not be used for public car parking.
 - (c) Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a documentary Restrictive Covenant is to be registered on the Title of the development site pursuant to Section 88E of the Conveyancing Act 1919, to the effect of (a), above.
 - (d) The Covenant is to be created appurtenant to Council, at no cost to Council.

Note:

- (i) The covenant will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.

SEPARATE APPLICATIONS

- (35) A separate development application must be submitted at the appropriate time for the following:
 - (a) any proposed external floodlighting or illumination of the buildings;
 - (b) any proposal to alter the provision of the number of parking space within the development for the purpose of public car parking;
 - (c) any external signage other than the two roof signs approved in this application; and
 - (d) specific use of the new ballroom on Level 3 (Transport House) and the other new/converted areas within the development (where appropriate) for a place of public entertainment.

SIGNS

- (36) The proposed roof signs and any associated structures must be removed and the building/site reinstated, within a period of 3 years from the date of consent or on the termination of the subject lease of the premises whichever is the lesser. If the sign is to be retained after this period, a new development application must be lodged before the expiration of the consent, for Council's consideration.
- (37) At no time is the intensity, period of intermittency and hours of illumination of the signs to cause injury to the amenity of the neighbourhood. If in the opinion of Council injury is likely to be caused, the intensity, period of intermittency and hours of illumination must be varied to the approval of Council.
- (38) The signs shall not flash.
- (39) The signs are to be erected/supported in a secure manner for safety purposes and its installation is not to involve measures that would cause irreversible damage to the building.

LOADING BAY

- (40) The existing loading dock must be maintained for use in connection with the proposed development.

TRAFFIC MANAGEMENT

- (41) All costs of traffic management measures associated with the development shall be borne by the developer.

Schedule 1B

Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority

Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

LETTER TO VERIFY SUPPORT FOR NEW LOADS

- (42) For alterations and additions to an existing building, a letter from a qualified practising structural engineer (NPER) or a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) shall be attached to the Construction Certificate Application. The letter must state that the existing structure is adequate to support the new loads and that the design will comply with the relevant Australian Standards adopted by the Building Code of Australia (Specification A1.3).

NON-COMPLIANCE WITH THE DEEMED TO SATISFY PROVISION IN THE BCA

- (43) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.

GEOTECHNICAL REPORT AND CERTIFICATION

- (44) Prior to commencement of any foundation or bulk excavation, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy submitted to Council (if it is not the Principal Certifying Authority):-
- (a) A Geotechnical Report which shall include the following information as appropriate:-
 - (i) Borehole/test pit logs or inspection records;
 - (ii) Field/laboratory test results;

- (iii) General geotechnical description of site;
 - (iv) Recommended safe bearing values and likely settlements of foundation material;
 - (v) Recommendations for stability and protection of excavations;
 - (vi) Opinion on the effect of the new works on adjoining buildings and recommendations for any underpinning or other measures required to maintain stability; and
 - (vii) Method of proving and assessing foundations underpinning and/or excavation stability in accordance with design.
- (b) A Structural Engineer's Report/Letter stating to the effect that, based on the Geotechnical Report, the proposed excavation and construction work will not adversely affect the adjoining building/s.
 - (c) An Inspection and Test Plan (ITP) that reflects the requirements of the geotechnical report, project drawings and specifications.
 - (d) A completed Geotechnical Certificate for the Report and ITP, submitted in the form of Attachment G1 completed by the Project/Principal Geotechnical Engineer OR, a compliance certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) after satisfying (a), (b) and (c) above.
- (45) Notes
- (a) An appropriately qualified practising geotechnical engineer certifying by completing Attachment G1 must have:-
 - (i) Appropriate tertiary qualifications in civil or geotechnical engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
 - (b) An appropriately qualified practising geotechnical engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Geotechnical Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (46) Geotechnical inspections and testing must be in accordance with the ITP. A Geotechnical Inspection Certificate will be required prior to issue of the Occupation Certificate. Refer to Schedule E.

PUBLIC DOMAIN PLAN

(47) The following requirements apply:-

- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
- (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.
 - (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
 - (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.

- (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.
 - (vii) The retention and repair of any existing serviceable stone gutters.
 - (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
 - (ix) The provision of smart pole(s), (to be provided at the applicants cost).
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.
- (48) Note:
- (a) 3 Copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

ACCESS FOR PEOPLE WITH DISABILITIES

- (49) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

SYDNEY WATER CERTIFICATE

(50)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) Note:
- (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
- (d) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (e) Note:
- (i) Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.

- (ii) The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- (iii) Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

ALIGNMENT LEVELS

- (51) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission shall be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.
- (52) These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

PHYSICAL MODELS

- (53) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and
- (54) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale mode of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (a) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager City Exhibition Space should be consulted prior to the construction of the model for City Exhibition Space.
- (b) The models are to comply with all of the conditions of the Development Consent.
- (c) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

PUBLIC TELEPHONES

- (55) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the certifying authority must approve:
- (a) Details that two public telephones will be provided in the development free of cost, (similar to the Telstra Blue Phone), in consultation with the applicant's preferred provider.
 - (i) The telephones should be located at footpath level and two square metres should be allowed for each telephone.
 - (ii) At least one telephone should be accessible for use by persons with a disability, to be designed and installed in accordance with the requirements of AS 1428.2.
 - (b) The telephones must be available for public use during the normal opening hours of the building.

RECEPTACLES FOR CIGARETTE BUTTS

- (56) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-
- (a) be located entirely on private property and must not be located on or over Council's footpath;
 - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
 - (c) not obstruct any required access/egress path for people with disabilities;
 - (d) be appropriately secured to the building;
 - (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council;
 - (f) emptying of receptacle/s must be carried out on a daily basis; and
 - (g) not damage any heritage fabric.

TELECOMMUNICATIONS PROVISIONS

- (57) The following requirements apply to telecommunication facilities in the building:-
- (a) Appropriate access and space within the plant area of the building shall be provided for a minimum of three telecommunication carriers or other providers of broad-band access by ground or satellite delivery.

- (b) Appropriate ducting and cabling shall be provided for a minimum of three telecommunication carriers or other providers for telecommunication access and broad-band cabling to each apartment of the building.
 - (c) The details of (a) and (b) above shall be submitted for the approval of the certifying authority, prior to issue of a construction certificate for the building under the Environmental Planning and Assessment Act 1979.
- (58) A separate DA must be submitted at the appropriate time for any external receiving device proposed to be installed. For each form of transmitter, there shall be only one common receiving device installed on the subject development. The submission shall include a heritage impact assessment of the proposal if appropriate.

PAVING MATERIALS

- (59) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.

SECURITY MANAGEMENT PLAN

- (60) The applicant shall prepare and submit a Security Management Plan which specifies security patrol, surveillance and other security and response methods and security management of the public and private domain within and surrounding the site. The Plan shall be approved by Council, prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORMWATER AND DRAINAGE

- (61) The following stormwater details shall be submitted:-
- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
 - (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.

- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

- (62) To ensure that utility authorities are advised of the development:-
 - (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
 - (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

SANITARY FACILITIES

- (63) Sanitary and other facilities must be provided in accordance with the Building Code of Australia, Part F2.

CERTIFICATION OF DESIGN FOR STORAGE AND HANDLING OF WASTE

- (64) The following requirements apply to storage and waste handling:
 - (a) The design of the building and the methods of storage and handling of waste and recyclable material must comply with Council's Code for Waste Handling in Buildings (adopted 17 October 1994). The Code requires the submission of a Waste Management Plan, except for minor partition work (Annexure "A" of the Code).
 - (b) Certification of compliance with the design and constructional requirements of the Code including the associated Waste Management Plans and with the Conditions of Development Application consent relating to waste must be submitted to and approved by the Certifying Authority in the attached form W1 prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. Such Certification must be given by the Architect or other appropriately qualified person experienced in Waste Handling Design and Environmental Management.
 - (c) The Certified Plans and Specifications must address compliance with the Waste Code including details of the following, where applicable:-

- (i) The location, design and construction of the garbage room, recycling rooms, bin washing areas and collection areas.
- (ii) The natural or mechanical ventilation, in accordance with the Building Code of Australia and Australian Standard 1668.
- (iii) The location and design of any garbage chutes or compaction units required by Council's Code.
- (iv) The proximity of waste handling facilities to commercial food areas or loading docks, with a view to avoiding cross contamination.

Note:

Certification will also be required on completion of the building, prior to issue of an Certificate.

Schedule 1C

Conditions to be complied with prior to commencement of demolition or work or construction to the satisfaction of the Principal Certifying Authority

DEMOLITION DETAILS

- (65) Prior to the commencement of demolition work, the details including plans and elevations showing distances of the subject building from the site boundaries, locations of common/party walls, and (where applicable) proposed method/s of facade retention must be submitted to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA).

EXCAVATION WORK METHOD STATEMENT

- (66) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
 - (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;

- (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
- (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
- (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;
- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- (ii) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (iii) On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

NOTIFICATION OF EXCAVATION OF EXCAVATION WORKS

- (67) The Principal Certifying Authority and Council's City Care Unit must be given a minimum of 48 hours notice that excavation, shoring or underpinning works are about to commence.

ARCHAEOLOGICAL MONITORING DURING EXCAVATION

- (68) Excavation of the site requires the works to be monitored by an archaeologist and any remains are to be suitably recorded. To this affect, the applicant must make application to the Heritage Office for an archaeological monitoring permit under Section 140 of the Heritage Act 1977.

WATER AND SEDIMENT CONTROL STATEMENT FOR DEMOLITION AND EXCAVATION

(69) The following environmental protection measures are required:-

- (a) Prior to the commencement of demolition and/or excavation, a Demolition/Excavation Water and Sediment Control Statement must be submitted to and approved by the Principal Certifying Authority (Council or an accredited officer).
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of run-off from the site onto the public way.
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater - Soils and Construction (August 1998).
- (d) The Demolition/Excavation Water and Sediment Control Statement shall be implemented during the demolition and/or excavation period.
- (e) Any seepage or rainwater collected on site during work must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environmental Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

(70) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.

- (71) Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.
- (72) The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-
- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
 - (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;
 - (iii) Address of proposed site of disposal;
 - (iv) Name/address of company/organisation accepting material;
 - (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
 - (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
 - (vii) Material for disposal and justification of disposal;
 - (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.
- (73) All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of work.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (74) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
 - (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.
 - (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.

BARRICADE PERMIT

- (75) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

ENVIRONMENTAL PROTECTION DURING CONSTRUCTION

(76) The following environmental protection measures are required:-

- (a) Prior to the commencement of construction work, a Water and Sediment Control Statement must be submitted and approved by the Principal Certifying Authority.
- (b) Such statement must include:-
 - (i) The procedures by which stormwater and waste water deposited or generated on site is to be collected and treated prior to discharge including details of any proposed pollution control device;
 - (ii) The proposed method of discharge;
 - (iii) The procedures to be adopted for the prevention of run-off from the site onto the public way;
 - (iv) The procedures to be adopted for the prevention of loose material and litter from being blown onto the public way;
 - (v) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's "Erosion and Sediment Control Manual".
- (c) The statement is to be consistent with the principles and practices set out in the Department of Land and Water Conservation's Erosion and Sediment Control Manual and the Department of Housing Manual Managing Urban Stormwater – Soils and Construction (August 1998).
- (d) The Water and Sediment Control Statement shall be implemented during the construction period.
- (e) Any seepage or rainwater collected on site during construction must not be pumped to the street stormwater system unless separate prior approval is given in writing by Council.
- (f) The applicant must also comply with the NSW Protection of the Environment Operations Act 1997, whereby it is an offence to pollute classified waters such as Sydney Harbour to which much of the City's street drainage is directly connected.

USE OF MOBILE CRANES

(77) Permits required for use of mobile cranes:-

- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.
- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

CERTIFICATION OF MECHANICAL VENTILATION

(78) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.

(79) To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;

- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;
- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (80) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
 - (a) Structural Drawings showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on Attachment S1A.
 - (c) Repeat (a) and (b) for any revision, or staged submission of structural drawings.
- (81) Notes:
 - (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-

- (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
 - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

Schedule 1D

Conditions to be complied with during work on site to the satisfaction of the Principal Certifying Authority

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (82) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.
- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.

- (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
- (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
- (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
- (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.

HOURS OF WORK AND NOISE

- (83) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
 - (c) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (84) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
 - (e) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

USE OF APPLIANCE OF A HIGHLY INTRUSIVE NATURE

- (85) This development consent does not extend to the use of appliances which emit noise of a highly intrusive nature (such as pile - drivers and hydraulic hammers) or are not listed in Groups B, C, D, E or F of Schedule 1 of the "City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 "Guide to Noise Control on Construction, Maintenance and Demolition Sites". A separate application for approval to use any of these appliances must be made to Council.

LOADING AND UNLOADING DURING CONSTRUCTION

- (86) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (c) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (d) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.

PROTECTION OF STREET TREES

- (87) All street trees shall be protected at all times during construction, in accordance with Council's Tree Preservation Order. Any tree on the footpath which is damaged or removed during construction shall be replaced, to the approval of Council and the Principal Certifying Authority.

CONTROL OF RUN-OFF DURING CONSTRUCTION

- (88) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
- (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

NO OBSTRUCTION OF PUBLIC WAY

- (89) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.

CONSTRUCTION VEHICLES TO BE COVERED

- (90) Vehicles carrying spoil or rubble to or from the site shall at all times be covered to prevent the escape of dust or other material.

Note:

The Protection of the Environment Administration Act 1991, provides for the revocation of transporters' licences where drivers dump wastes illegally.

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority

- (91) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (92) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (93) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
- (94) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.
- (95) Notes:
- (a) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-

- (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (b) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

GLAZING

- (96) All glazing materials shall be selected and installed in accordance with the relevant provisions of AS 1288 S.A.A. "Glass Installation Code".

NUMBERING

- (97) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the "Policy on Numbering of Premises within the City of Sydney". If new street numbers or a change to street numbers are required, a separate application shall be made to Council.

STREET NAME PLATE

- (98) Council's standard street name plate shall be affixed to all street frontages of the building, visible to both pedestrian and vehicular traffic. The signs shall be obtained and installed at no cost to Council. (Contact the Team Leader – Urban Domain, Service Planning Policy).

Schedule 1F

Conditions to be complied with during the use of Premises

NOISE - USE

- (99) The use of the premises including music and other activities must not give rise to any one or more of the following:
- (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.
- (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

- (100) No persons (such as those commonly known as spruikers) or recordings or other devices which have the effect of spruiking are to be located on Council owned property. Furthermore, the sound level of any spruiking or amplified noise generated within privately owned land must not be audible on Council's footpath adjoining the subject premise.
- (101) The Management shall ensure that the behaviour of patrons entering and leaving the premises does not detrimentally affect the amenity of the neighbourhood. In this regard, the management shall be responsible for the control of noise and litter generated by patrons of the premises and shall ensure that patrons leave the vicinity of the premises in an orderly manner to the satisfaction of Council. If so directed by Council, the Management is to employ private security staff to ensure that this condition is complied with.

NOISE - MECHANICAL PLANT

- (102) Noise associated with mechanical plant must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.

- (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
- (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) must be carried out in accordance with AS 2973 for vibration measurements, AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

CARE OF BUILDING SURROUNDS

- (103) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

REMOVAL OF GRAFFITI

- (104) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.

WINDOW CLEANING

- (105) The owner/manager of the building shall ensure that all windows on the façade of the building are cleaned regularly and, in any event, not less than annually.

Schedule 3

Terms of Approval

Other Integrated Development Approvals

The Terms of Approval for Integrated Development as advised by Heritage Council of NSW are as follows:

1. The development is to be carried out in accordance with the Statement of Environmental Effects Volume 1 & 2 prepared by BBC Consulting Planners dated October 2002 including drawings prepared by Crone Nation Architects numbers ADA 0101, ADA 0102, ADA B 1001 to 1004, ADA P 1005 to 1011, ADA T 1012 to 1019, ADA 2001 to 1004, ADA 2101 to 2102, ADA 3001 to 3002, ADA 3101 – 3104.
2. All work to the former Transport House and the former Treasury Buildings shall be in accordance with Conservation Management Plans that have been prepared for the site and provided to the Heritage Council and in accordance with the recommendations for conditions of consent listed in the Heritage Impact Assessment by Truman, Zaniol and Associates Pty Ltd, dated October 2002 as follows:
 - (a) That a philosophy of minimal intervention be adapted where proposed works physically impact significant fabric. That is to say all avenues are to be undertaken to minimise physical works upon such fabric, including preplanning for reuse of existing penetrations for supplementary services and minimising the number of fixings of fixtures and fittings in order to maximise reversibility of the nominated works.
 - (b) An archival record of the place is to be undertaken in areas where works will affect the place before during and after the works. Such archival record is to be undertaken in the manner nominated below and as directed by the Heritage Architect. Where works are to affect significant fabric, the following records are to be submitted to the approval of the Director Heritage Office prior to the release of the Certificate of Occupancy:
 - i. Colour photographic prints on 100 year guaranteed paper of postcard size to a maximum number of 600 photographs to cover before, during and after works. The selection of prints from the comprehensive coverage of photographs taken will be made in conjunction with Council's Heritage Officer and the Heritage Architect for the works as each stage progresses.
 - ii. Selected 250 x 200 mm colour photographic enlargements from item (i) above, to a maximum of 20 in number.

- iii. A selection of colour slides as nominated by the Heritage Architect to compliment item (i) above.
- iv. A summary report of the photographic documentation and any limitations to the photographic records.
- v. Written confirmation that Council has the right to the use the photographs for genuine research purposes.
- vi. Submission of the photographs and slides nominated in terms (i), (ii) and (iii) above in archival quality storage folders, boxes and sleeves.
- vii. Descriptions of the photographs and slides, cross referenced to accompanying plans locating the view taken.
- viii. Drawings in A3 format showing as existing plan layouts and elevations (ie.) before work began) and following the completion of the work “as built”.
- ix. Site measurements recording structural details of any significant fabric allowed to be removed as part of the works.
- x. Two copies of any Archaeological Assessment and associated reports undertaken as a result of the works.

The above documentation will include exterior and interior context and significant building fabric and furnishings from the buildings and be fully submitted at the completion of the project.

- (c) All works affecting heritage significant fabric or spaces of the place are to be undertaken with the input and guidance of the Heritage Architect who is to be involved at all stages of design development, documentation and carrying out the works and have the authority to deal with directly with Heritage Office staff as instructed by the Director of the Heritage Office.
- (d) An interpretation strategy is to be prepared before works begin on site as an in principle document, to the satisfaction of the Director of the Heritage Office. Such strategy is to be refined during the works and implemented prior to the release of the Certificate of Occupancy for the place. The interpretation strategy is to be carried out under director of the Heritage Architect and all to be approval of the Director of the Heritage Office.
- (e) Conservation works are to be carried out under the director of the Heritage Architect to the scope of works approved as part of this application and for the applicant of award to be submitted to the approval of the Director of the Heritage Officer prior to commencement of the relevant parts of the works.

- (f) Design details are to be submitted to the approval of the Director of the Office for the following prior to the release of the Construction certificate associated with the relevant works:
- i. decoration and colours to be implemented for both buildings which affect significant fabric
 - ii. details of proposed fitout and new ceiling, including interpretation of former void and columns positions within the former Strong Room wing, levels 6 and 7
 - iii. details of proposed new fitout elements to the former Registration Hall levels 5 and 6 of the former Transport House
 - iv. details of proposed new openings in the Phillip Street entrance of Transport House at level 3
 - v. details of proposed adaptation works to levels 3 and 4 of remaining spaces are not affected by the proposed ballroom excavation
 - vi. details of proposed acoustic glazing affecting significant fabric
 - vii. details of proposed new lift door enclosures to former Transport House east wing lift lobby
 - viii. details of proposed works to the former Commissioners Suite and Boardroom and Level 7 generally to former Transport House
 - ix. details of proposed new fitout and reversible partitions within the former Audit Office Wing and West Wing of the former Treasury buildings
 - x. proposed fitout for the tavern/restaurant at Level 5 in the West Wing of the former Treasury building
 - xi. details of the proposed covered way between the former Transport House and Treasury building fronting Macquarie Street
 - xii. details of the proposed linted design of the amended 1980's colonnade from the Bridge Street entrance adjacent the cortile
 - xiii. details of proposed new staircase in the north west corner from the former Registration Hall to Level 3 in the former Transport house building.
- (g) Any new fabric which abuts significant fabric is to be scribed around the significant fabric and fixed with the minimum number of fixings to maximise reversibility. All such work is to be undertaken to the satisfaction of the Heritage Architect.

- (h) Where recessed screens are to be facilitated within the ceilings for Hotel School use, they are not to affect original ceilings or joists. Where original ceilings or joists may be affected by recessed screens, screens are to be facilitated by two pins fitted through the ceiling to the joists above and a reversible drop screen fitted to those pins.
 - (i) A practice of salvage and reuse of original fabric allowed to be removed from Transport House and the former Treasury buildings is to be implemented in undertaking the works. Where elements are now rare and/or difficult to obtain, they are to be stored in a safe place on site and noted as part of the maintenance regime for the place to be salvaged and reused in the long term maintenance of the place. Fabric to be salvaged and reused is to be as determined by the Heritage Architect.
 - (j) Where any original fabric is allowed to be removed as part of the works and which is no longer able to be reused on site in the long term, they are to be offered to owners of like heritage properties within the Sydney CBD, prior to disposal.
 - (k) Amended Conservation Plans for both buildings are to be prepared and submitted to the Director of the Heritage Office at the completion of works to both places and prior to the release of the Certificate of Occupancy and the Conservation Plans must be endorsed by the Heritage Council within 6 months of occupancy.
 - (l) The recommendations of the archaeological assessment undertaken as part of the submission for the development application are to be implemented in undertaking the works.
 - (m) The heritage Architect at the completion of the works is to prepare a submission to the approval of the Director of the Heritage Office, identifying that the works have been completed in accordance with the recommendations of this report, and where any departures from these recommendations have been found and on what basis such departures were made.
3. The two bridges to the Registration Hall are to be redesigned to provide a single lightweight structure that does not obscure vista within the space. The detailed design of the bridge is to be submitted for the approval of the Director of the Heritage Office, prior to the release of the construction certificate for that work.
 4. A program of Archaeological Monitoring is to be undertaken in the areas nominated in the Archaeological Assessment.
 5. If Archaeological relics are uncovered during the course of works, then the works shall cease immediately in that area and the NSW Heritage Office shall be contacted. Depending on the possible significance of the relics an Archaeological Assessment and an Excavation Permit under the NSW Heritage Act may be required before further works can be considered in that area.

6. Work on the heritage components of the site shall be carried out by suitably qualified tradesmen with demonstrated practical experience in the conservation and restoration of similar heritage buildings.
7. Under the Integrated Development provisions of the Environmental Planning Assessment Act 1979, a further application, must be made for the approval under Section 60 of the NSW Heritage Act 1977, before works commence.

Carried.

Note - Mr Mark Vincent, Mr Paul Rappoport, Mr Denis Lenagan, Mr Don Truman and Mr Bob Smale addressed the meeting of the Planning Development and Transport Committee on Item 6.4.

PART "A" CONTINUED - DETERMINED BY COUNCIL

**DEVELOPMENT APPLICATION: 203-209 THOMAS STREET, HAYMARKET
(D/02/000476)**

6.5

That consideration of this matter be deferred to the meeting of Council on 24 February 2003.

Carried.

Note - Mr Peter Israel addressed the meeting of the Planning Development and Transport Committee on Item 6.5.

Note - This matter was dealt with by Council as Item 8 on the Business Paper.

ITEM 7. DRAFT AMENDMENTS TO CENTRAL SYDNEY LOCAL ENVIRONMENTAL PLAN 1996

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of reports by the Manager Strategic Planning to the Planning and Transport Committee on 17 February 2003, and to Council on 24 February 2003, on Draft Amendments to the Central Sydney Local Environmental Plan 1996, it be resolved that Council:

- (A) adopt the amendments proposed to the Draft Central Sydney Local Environmental Plan 2002 as shown in the report to Council on 24 February 2003;
- (B) forward Draft City of Sydney Local Environmental Plan 2002 (as amended) to Planning NSW under the provisions of Section 68 (Consideration of submissions) of the Environmental Planning and Assessment Act, 1979;
- (C) request the Director General of Planning NSW to furnish a report to the Minister under the provisions of Section 69 of the Environmental Planning and Assessment Act 1979 to enable the Draft City of Sydney Local Environmental Plan 2002 to be made;
- (D) authorise the Lord Mayor to make drafting changes to the Draft City of Sydney Local Environmental Plan in order to address the issues raised in paragraphs -
 - 22 - (Review of the Plan)
 - 25 - (Savings and Transitional Provisions),
 - 28 - (Master Plans - maximum height and variation to development standards)
 - 36, 37, 38 - (Exclusion of SEPP 1 and Consequential Amendments)
 - 48 - (Site Area)
 - 52 - (Subdivision)
 - 61 and 62 - (Referral of Heritage Items)
 - 64 - (Millers Point Objectives)
 - 69 - (Development of Potential Archaeological Sites)
 - 72 - (Heritage Work)
 - 75 - (Central Parcels Shed)
 - 80 - (Master Plan Maps)
 - 82 - (Consent authority for Ultimo Pymont)
 and any other operational drafting changes;
- (E) commend Giovanni Cirillo, Manager - Building Services and Planning Policy, and Mohini Nair, Manager Strategic Planning, for their hard work in developing the revised terms of the City of Sydney Local Environmental Plan.

Carried unanimously.

ITEM 8. DEVELOPMENT APPLICATION: 203-209 THOMAS STREET, HAYMARKET

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of reports by the Specialist Planner to the Planning Development and Transport Committee on 17 February 2003, and to Council on 24 February 2003, in relation to Development Application D/02/00476 made by Epic Trading Co. Pty Ltd for the site at 203-209 Thomas Street, Haymarket, for the demolition of the existing building, excavation and construction of a new, nine storey, mixed use building with two basement parking levels, it be resolved that:

- (A) A “deferred commencement” consent be granted under the provisions of Section 80(3) of the Environmental Planning and Assessment Act 1979, and the applicant be requested to submit additional information to address the following:
- (1) The proposed building shall be modified so as to delete the faux façade surrounding the level 4 outdoor terraces and be replaced by a sympathetically designed face-brick balustrade, to comply with the provisions of the BCA.
 - (2) As the location of the proposed Fire Control Room does not comply with the deemed-to-satisfy provisions of the BCA, approval is required from NSW Fire Brigades for the proposed alternate solution.
 - (3) The glass roof of the atrium does not comply with the deemed-to-satisfy provisions of the BCA. Accordingly, details of how this element may be fire separated shall be submitted along with the approval of NSW Fire Brigades.

Note: Regardless of any approval from NSW Fire Brigades, should any alternate solution incorporate any external design amendments that in the view of Council are unacceptable, then Council reserves the right to require further modification or an amended design.

- (4) Details as to how compliance with the BCA may be achieved with respect to openings within 3m of the boundary shall be submitted.

Notes: (i) Any external sprinkler system shall be integrated with the detailed design of the building.

- (ii) As a result of protecting openings within 3m of the boundary, should any rooms require mechanical ventilation, consideration should be given to the location of plant and the location of alternate routes to enable cross ventilation.

- (5) A room shall be created at ground level, within at least 10m from the building frontage, for the temporary storage of residential garbage and recyclables, for the purposes of Council's domestic waste collection service from Thomas Street. The room shall be adequately vented and capable of drainage. The size of the room shall be capable of accommodating 4 x 240L wheelie bins plus adequate circulation space. The nominated volume of 4 bins is dependant on an "Elephant Foot" compaction system being installed in the basement garbage area
- (6) Further details are required as to the design and layout of the basement parking levels, particularly in terms of vehicular circulation. The submission shall demonstrate that the proposal will provide acceptable ramp gradients and adequate head room clearances. Provision shall also be made for at least one off-street loading space to accommodate a small truck or van.
- (7) The ground floor design, in particular the size and length of shop frontages along the western elevations shall be modified so as to provide for better street activation and presentation of the building to the street. The consent authority must be satisfied with the practicality, in terms of the future usage of the retail units, prior to determination.
- (8) The design of the building shall be modified as follows:
 - (a) The design of the proposed awning shall be modified to provide for a more traditionally proportioned awning with a fascia depth of up to 700mm.
 - (b) At least one car parking space shall be designated for the use of disabled persons and shall comply with AS 2890.1.
 - (c) At least one car parking space shall be designated for the purposes of motorcycle parking.
- (9) Modifications shall be made to the design and layout of the residential units, so as to achieve full compliance with Part 6 of the Central Sydney Development Control Plan 1996.

Note: Particular consideration should be given to the proposed unit sizes where only 8 out of 19 units comply. Units described as 1 bedroom plus study, for example, will be considered as two bedroom units.

The above information shall be submitted to the Planning Development and Transport Committee within 6 months of this "deferred commencement" consent; and

- (B) Subject to the completion of the above requirements to the satisfaction of the Planning Development and Transport Committee, the development consent shall operate subject to the following conditions of consent and any other conditions reasonably arising from (A) above.

Schedule 1A

Approved Development, Contributions and Covenants

Note: Some conditions in Schedule A are to be satisfied prior to issue of a Construction Certificate and some are to be satisfied prior to issue of Occupation Certificate, where indicated.

Note 2: Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

APPROVED DEVELOPMENT

- (1) Development must be in accordance with Development Application No. D/02/00476 dated 17 July 2002 and drawings numbered, dated and prepared by as follows:

Drawing No./Rev:	Dated:	Prepared by:
DA01/C	Dec. 2002	PTI Group
DA02/C	Dec. 2002	PTI Group
DA03/C	Dec. 2002	PTI Group
DA04/C	Dec. 2002	PTI Group
DA05/C	Dec. 2002	PTI Group
DA06/C	Dec. 2002	PTI Group
DA07/C	Dec. 2002	PTI Group
DA08/C	Dec. 2002	PTI Group
DA09/C	Dec. 2002	PTI Group
DA10/C	Dec. 2002	PTI Group
DA11/C	Dec. 2002	PTI Group
DA12/C	Dec. 2002	PTI Group
DA13/C	Dec. 2002	PTI Group
DA14/C	Dec. 2002	PTI Group
DA15/C	Dec. 2002	PTI Group

and as amended by the following conditions:

STRATA PLAN APPROVAL

- (2) A separate Application for Subdivision must be made to Council or an accredited certifier to approve the Strata Plan in accordance with Section 37 of the Strata Schemes (Freehold Development) Act 1973.

SECTION 61 CONTRIBUTION AND ITEMISED QUANTITY SURVEYORS' REPORT

- (3) Prior to the release of the construction certificate evidence must be provided that a levy has been paid to the Council pursuant to section 61 of the City of Sydney Act and in accordance with the adopted "Central Sydney Contributions Plan 1997".
- (a) Payment shall be by EFTPOS (debit card only), CASH or a BANK CHEQUE made payable to the City of Sydney.
 - (b) The levy must be 1% of the cost of the proposed development calculated in accordance with the methods and procedures set out below.
 - (c) The proposed development the cost of which is subject to the levy shall ONLY exclude cost of land, marketing expenses (excluding display suites etc), finance & interest, building insurance after practical completion, drapery, commercial stock inventory, loose furniture, loose equipment & loose electrical appliances, minor maintenance of existing retained fixtures (eg. patching, repainting) and stamp duty.
 - (d) The person seeking to make payment pursuant to this condition must submit to the Council:-
 - (i) a certificate from a registered quantity surveyor which:
 - a. states that the quantity surveyor has inspected:
 - i. the plans the subject of the application for construction certificate;
 - ii. all bills of quantities;
 - iii. lists all the matters listed in subclause (c) above and all itemised estimates in relation to these matters;
 - b. certifies in an itemised report, the estimated costs of the development of all matters as set out in subclause (c) above;
 - (ii) copies of all the things referred to in the certificate, including the things the quantity surveyor has inspected.
 - (e) The Council will consider the documentation submitted under subclause (c) and (d) and determine the cost of the proposed development having regard to the matters submitted and to such other matters as it considers appropriate and will notify the person accordingly.

- (f) The amount notified by the Council pursuant to subclause (e) is the amount used to determine the contribution payable under this condition prior to the release of the Construction Certificate.

BOUNDARY WINDOWS COVENANT

- (4) All windows adjacent to the northern boundary of the site, including:

- Level 4: Unit 1 stairway light and kitchen;
- Level 5: Unit 7 stairway light;
- Level 6: Unit 7 kitchen; and
- Level 7: Unit 13 and unit 16 bathrooms.

must be sealed, bricked up or otherwise enclosed, prior to the construction of any building abutting, adjoining or adjacent to such windows. A covenant to the approval of Council is to be placed on the title of all units facing the affected boundary to this effect. Evidence of the creation of the covenant is to be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

Note: The covenant will be noted on the Section 149 Certificates for all the units/building so burdened by this condition.

PROJECTING BALCONIES

- (5) The extent to which proposed balconies on levels 4 and 5 protrude across the public road shall not exceed 450mm.

PHYSICAL MODELS

- (6) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the approved development must be submitted to Council for the City Model in Town Hall House; and

- (a) Prior to the issue of the Occupation Certificate under the Environmental Planning and Assessment Act 1979, an accurate 1:500 scale model of the development as constructed must also be submitted to Council for placement in the City Model at the City Exhibition Space.

Note:

- (i) The models shall be constructed in accordance with the Model Specifications, available from the One Stop Shop. Council's model maker should be consulted prior to construction of the model for Town Hall House. The Manager City Exhibition Space should be consulted prior to the construction of the model for City Exhibition Space.

- (ii) The models are to comply with all of the conditions of the Development Consent.
- (iii) The models must be amended to reflect any further approvals under S96(2) of the Environmental Planning and Assessment Act 1979, that affect the external appearance of the building.

CONSISTENCY OF DRAWINGS

- (7) In the event that the approved plans incorporate inconsistencies of detail between the relevant plans and elevations, the details shown in the elevations shall take precedence.

APPROVED DESIGN

- (8) The approved design (including an element or detail of that design) or materials, finish or colours of the building must not be changed so as to affect the internal layout or external appearance of the building, without the approval of Council.

USE OF RETAIL UNITS

- (9) A separate development application must be submitted at the appropriate time for the specific use of the retail units should the intended use of the premises be for purposes of food preparation or retail, hair/beauty salon, medical consulting rooms or the like.

SIGNS

- (10) A separate development application for any proposed signs which are either externally fitted or applied must be submitted for the approval of Council prior to the erection or display of any such signs.

NO PARTICIPATION IN RESIDENT PERMIT PARKING SCHEME

- (11) Residents are not eligible to participate in the resident permit parking schemes.

Note:

This prohibition on participation in the resident permit parking scheme will be recorded on the Section 149 Certificate for this property under the Environmental Planning and Assessment Act 1979.

Schedule 1B

Conditions to be complied with prior to issue of Construction Certificate to the satisfaction of the Certifying Authority

- (12) Prior to the issue of the Construction Certificate, sufficient information must be forwarded to the certifying authority (whether Council or a private accredited certifier) illustrating compliance with the relevant requirements of the Building Code of Australia (and a copy forwarded to Council where Council is not the certifying authority). If Council is to be the certifying authority, please contact the Building Unit to discuss the requirements prior to submission of the application for construction certificate.

ENERGY EFFICIENCY IN BUILDINGS

- (13) The residential component of the building shall achieve a NatHers Rating (or equivalent) of at least 4 stars.

PUBLIC ART

- (14) High quality art work shall be provided within the development in publicly accessible locations eg. near main entrances, lobbies and street frontages, in accordance with the Central Sydney DCP 1996 and the 'Public Art Policy'. Details of the art work must be submitted for the approval of Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

PUBLIC DOMAIN PLAN

- (15) The following requirements apply:-
- (a) Three copies of a detailed Public Domain Plan shall be prepared by an architect, urban designer or landscape architect and shall be approved by Council (to be lodged with the Public Domain Officer at City Projects) prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. It is recommended that draft plans should be submitted for comment prior to formal submission for approval.
 - (b) The Public Domain Plan shall be as follows:-
 - (i) Drawn at 1:100 scale.
 - (ii) Show the entire layout of flagstone paving where this paving is required.
 - (iii) Nominate the location, type and material of all existing and proposed public pavement elements including trees, paving, kerbs and gutters, pedestrian ramps, vehicle crossings, street furniture, utility poles, parking meters, pedestrian and traffic signals, service pits and stormwater pits.

- (iv) Include a longitudinal section of the pavement showing existing and proposed levels at 10 metre intervals at the building alignment, the kerb and the gutter on a common datum line. This longitudinal section is to be drawn at 1:100 horizontal scale and 1:10 (exaggerated) vertical scale. This section is to ensure that any significant longitudinal gradient change, such as flattening for vehicle entries, occurs within the building line and not at the public pavement.
 - (v) Include 1:50 scale cross sections through pedestrian ramps and vehicle crossings.
 - (vi) Include specifications of the proposed works.
- (c) The Public Domain Plan shall comply with the specifications and details of the Central Sydney Paving Design Policy 1996 and Council's Specifications and the Central Sydney Street Tree Policy 1994.
- (d) The Public Domain Plan shall incorporate the standard specifications and detail of the Central Sydney Paving Design Policy 1996 and Council's Specifications adapted to suit the specific site requirements as advised by the Public Domain Officer and may include:-
- (i) Adjustment to paving grades to provide a maximum crossfall of 2.5% from building line to top of kerb.
 - (ii) Repaving in accordance with Central Sydney Paving Design Policy 1996 and Council's Specifications. All granite paving (where applicable) is to be sealed in accordance with Council's specifications.
 - (iii) The relocation or provision of new vehicle crossovers and pedestrian ramps including the consequent relocation of existing service pits, traffic signals, kerb corner radii, signs, street furniture and street trees.
 - (iv) The retention of existing street trees and the provision of new street trees to comply with the Central Sydney Street Tree Policy 1994.
 - (v) The repair and where required the resetting of all stone kerbing to 150mm above the gutter height and the replacement of concrete kerbing with stone kerbing. Where adjustments require substantial kerb and gutter demolition, the carriageway shall be reconstructed to the centre line of the carriageway.
 - (vi) The retention and repair of any existing pavement lights.

- (vii) The retention and repair of any existing serviceable stone gutters.
- (viii) The realignment and level adjustment of service pit lids to correspond to new kerb ramps and paving. New service pit lids in flagstone paving to be infill type, with stone infill to match stone paving surrounds. New service pit lids in asphalt paving to be infill type, with cement mortar infill coloured to match adjoining asphalt.
- (e) Random checks by Council officers may be made throughout the construction process to advise the contractor of non-complying elements. However, no parts of the work are to be considered approved until receipt of the City of Sydney letter of approval. The City of Sydney will require all non complying parts to be rectified prior to issue of this letter.

Note:

- (f) 3 Copies of the Public Domain Plan are to be lodged with the Manager Design, City Projects.

RECEPTACLES FOR CIGARETTE BUTTS

- (16) Provision must be made on the site, adjacent to the entrance/s to the building, for an adequate number of receptacles for the disposal of cigarette butts. Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, the location and design of the receptacle/s must be approved by Council. The receptacle/s must:-
 - (a) be located entirely on private property and must not be located on or over Council's footpath;
 - (b) not obstruct any required means of egress or path of travel from the building required by the Building Code of Australia;
 - (c) not obstruct any required access/egress path for people with disabilities;
 - (d) be appropriately secured to the building;
 - (e) the emptying and maintenance of the receptacle/s is the responsibility of the building owner/manager and will not be undertaken by Council; and
 - (f) emptying of receptacle/s must be carried out on a daily basis.

SYDNEY WATER CERTIFICATE (NEW DEVELOPMENT)

(17)

- (a) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, written confirmation that you have obtained a Notice of Requirements under Part 6, Division 9 of the Sydney Water Act 1994 must be submitted to the Certifying Authority (Council or a private accredited certifier).
- (b) Prior to issue of a construction certificate, under the Environmental Planning and Assessment Act 1979, the approved development application plans must be submitted to a Sydney Water Quick Check agent or Customer Centre to determine whatever the development will affect Sydney Water's sewer and water mains, stormwater drains and/or easements and if further requirements need to be met and is to be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
- (c) Note:
 - (i) For Quick Check agent details please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then see Building and Renovating under the heading Building & Developing, or telephone 132 092.
 - (ii) Prior to issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979, a (Developer) Compliance Certificate under Section 73 of the Sydney Water Act 1994 must be submitted to the Principal Certifying Authority (Council or a private accredited certifier).
 - (iii) Note:
 - a. Sydney Water may require you to construct works and/or pay developer charges, details of which will be provided in the "Notice of Requirements". Please make early contact with the Co-ordinator, since building of water/sewer extensions can be time consuming and may impact on other services and building, driveway or landscape design. Application must be made through an authorised Water Servicing Co-ordinator. Please refer to "your business" section of Sydney Water's website at www.sydneywater.com.au then the "e-developer" icon or telephone 132 092.

- b. The approved plans will also need to be submitted to Sydney Water to determine whether the development will affect sewer and water mains, stormwater drains and/or easements. If the development complies with the requirements, the approved plans will be appropriately stamped by Sydney Water.
- c. Application must be made through an authorised Water Servicing Co-ordinator, for details see the Sydney Water web site www.sydneywater.com.au or telephone 132 092.

NOISE REDUCTION

- (18) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by Council or the private accredited certifying authority addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:
- (a) The report shall indicate measures to preserve the amenity for residents/apartment users such that the repeatable L_{Aeq} (1 hour) level will not exceed the following levels:-
 - (i) In a naturally ventilated - windows closed condition:
 - a. Sleeping areas (night time only: 2200-0700)
35dB
 - b. Living areas (24 hours)
45dB
 - (ii) In a naturally ventilated - windows open condition, (ie windows open up to 5% of the floor area, or attenuated natural ventilation open to 5% of the floor area):
 - a. Sleeping areas (night time only: 2200-0700)
45dB
 - b. Living areas (24 hours)
55dB
 - (iii) Where a naturally ventilated - windows open conditions cannot be achieved, it is necessary to incorporate mechanical ventilation or air conditioning.

- (iv) The following repeatable maximum L_{Aeq} (1 hour) levels shall not be exceeded when doors and windows are shut and mechanical ventilation or air conditioning is operating. These levels correspond to the combined measured level of external sources and the ventilation system operating normally:-
 - a. Sleeping areas (night time only: 2200-0700)
38dB
 - b. Living areas (24 hours)
46dB
- (v) In the preparation of the report:
 - (b) The environmental noise monitoring at the site of the proposed development shall be undertaken for not less than 3 week days, or not less than 2 weeks where the site is affected by noise from part-time operations;
 - (i) The repeatable maximum L_{Aeq} (1 hour) for the daytime period (0700-2200 hours) and for the night time period (2200-0700 hours) is to be identified, and
 - (ii) The L_{Aeq} (1 hour) noise levels within living rooms and bedrooms with windows and doors both open and closed shall be shown.
 - (c) All residential buildings and serviced apartments are to be designed and constructed in accordance with the above criteria. The completed work must comply with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

ACCESS AND FACILITIES FOR THE DISABLED

- (19) Access and facilities for people with disabilities shall be provided in accordance with Part D3 of the Building Code of Australia and Council's Access Policy. Prior to issue of a Construction Certificate under Environmental Planning and Assessment Act 1979, a certificate certifying compliance with this condition OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act 1979) must be provided, and copy submitted to Council.

GLAZING

- (20) All external glazing in the development must be clear and untinted.

CAR PARK ENTRY FINISH

- (21) Car park roller doors shall be designed and constructed for quiet operation.

PAVING MATERIALS

- (22) The surface of any material used or proposed to be used for the paving of colonnades, thoroughfares, plazas, arcades and the like which are used by the public must comply with AS/NZS 3661.1:1993 "Slip Resistance of Pedestrian Surfaces Part 1: Requirements", Appendices A and B.

FOOTPATH CROSSING

- (23) Details of the proposed vehicular crossing over the footway are to be provide to Council's Engineering Services Unit for approval prior to the issue of a Construction Certificate.

BUILDING WASTE MANAGEMENT PLAN

- (24) A Building Waste Management Plan is to be submitted to Council and approved by the Director City Development prior to the issue of a Construction Certificate. The Plan must address compliance with the Code for Waste Handling in Buildings 1994 and include the following details:
- (a) The location, design and construction of garbage rooms, recycling rooms, bin washing and collection areas and vehicle standing areas;
 - (b) Calculations of the volumes of waste generated and verification of garbage room sizes;
 - (c) The natural and mechanical ventilation of garbage rooms in accordance with AS 1668;
 - (d) The location and design of garbage chutes and compaction systems;
 - (e) The design features incorporated in the building and procedures to be adopted by building management to ensure waste separation and minimisation within individual units and offices, on each floor of the building and within storage areas.

ACOUSTIC PRIVACY BETWEEN UNITS

- (25) Prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979, an acoustic assessment report must be submitted to and approved by the Certifying Authority (Council or a private accredited certifying authority) addressing the requirements of the Central Sydney DCP 1996 Amendment No.5 Internal Residential Amenity. The approved drawings and specifications for construction are to be in accordance with the following:

- (a) In order to assist acoustic control of airborne noise between units:
 - (i) A wall shall have a Field Sound Transmission Class (FSTC) of not less than 50 if it separates sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A wall separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an FSTC of not less than 55.
 - (iii) A floor separating sole occupancy units must not have a FSTC of less than 50.
- (b) In order to assist acoustic control of impact noise between units:
 - (i) A floor shall have an Impact Isolation Class (IIC) of not less than 50 if it separates habitable rooms of sole occupancy units or a sole occupancy unit from a plant room, stairway, public corridor, hallway or the like.
 - (ii) A floor separating a bathroom, sanitary compartment, laundry or kitchen in one sole occupancy unit from a habitable room (other than a kitchen) in an adjoining unit shall have an IIC of not less than 55.
 - (iii) Walls between sole-occupancy units shall comply with impact sound resistance standards specified in the BCA.
- (c) Council or the private Principal Certifying Authority must ensure that the completed work complies with the above conditions prior to issuing an Occupation Certificate (see condition in Schedule E of this consent).

CAR PARK AND SERVICE VEHICLE LAYOUT

(26)

- (a) The layout plan of the carpark is to be in accordance with Australian Standard AS 2890.1 - 1993 "Parking Facilities Part 1: Off Street Car Parking". All parking spaces are to be linemarked.
- (b) The layout of the service vehicle areas is to comply with Australian Standard AS 2890.2 - 1989 "Off Street Parking Part 2 - Commercial Vehicles Facilities".
- (c) The details shall be submitted to and approved by the certifying authority prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

STORMWATER AND DRAINAGE

(27) The following stormwater details shall be submitted:-

- (a) Details of the proposed stormwater disposal and drainage of the development are to be submitted for approval by Council prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979. All approved details for the disposal of stormwater and drainage are to be implemented in the development.
- (b) Any proposed connection to Council's underground drainage system will require the owner to enter into a deed of Agreement with Council and obtain registration on Title of a Positive Covenant prior to the commencement of any work within the public way, at no cost to Council.
- (c) The requirements of Sydney Water (currently the Urban Development Central East Group, Rockdale Regional Office) with regard to the on site detention of stormwater must be ascertained and complied with. Evidence of the approval of Sydney Water to the on-site detention must be submitted prior to issue of a Construction Certificate under the Environmental Planning and Assessment Act 1979.

UTILITY SERVICES

(28) To ensure that utility authorities are advised of the development:-

- (a) A survey is to be carried out of all utility services within the site including relevant information from utility authorities and excavation if necessary, to determine the position and level of services.
- (b) Prior to commencement of work the applicant is to negotiate with the utility authorities (eg. Energy Australia, Sydney Water, and Telecommunications Carriers) in connection with the relocation and/or adjustment of the services affected by the construction of the underground structure. Any costs in the relocation, adjustment or support of services are to be the responsibility of the developer.

ALIGNMENT LEVELS

(29) Prior to the issue of a Construction Certificate under the Environmental Planning and Assessment Act, 1979, footpath alignment levels for the building must be submitted to Council for approval. This submission shall be accompanied by a plan prepared by a Registered Surveyor showing the existing location, size and levels (AHD) of all service covers, trees, poles and street furniture, kerb, gutter and alignment levels at 10m cross/sections, alignment levels at proposed and existing vehicular and/or pedestrian entrances within the footway adjacent to and extending 20 metres past either side of the site.

These alignment levels, as approved by Council, are then to be incorporated into the plans submitted with the Application for a Construction Certificate.

- (30) For areas not complying with the deemed to satisfy provisions of the BCA an alternate solution will be required to demonstrate compliance with the performance requirements stipulated in the BCA. Any alternative solution must be submitted and approved by the Certifying Authority prior to the issue of the construction certificate. The following information must be provided:-
- (a) Details of the performance requirements that the proposed alternative solution is intended to meet; and
 - (b) Details of the assessment methods used to establish compliance with those performance requirements.

Schedule 1C

Conditions to be complied with prior to commencement of demolition or work or construction to the satisfaction of the Principal Certifying Authority

DEMOLITION WORK METHOD STATEMENT

- (31) Prior to the commencement of demolition work a licensed demolisher who is registered with the WorkCover Authority must prepare a Work Method Statement to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) and a copy sent to Council (if it is not the PCA). A copy of the Statement must also be submitted to the WorkCover Authority.
- (a) The Statement must be in compliance with AS2601-1991 Demolition of Structures, the requirements of WorkCover Authority and conditions of the Development Approval, and must include provisions for:-
 - (i) Enclosing and making the site safe, any temporary protective structures must comply with the Guidelines for Temporary Protective Structures (April 2001);
 - (ii) Induction training for on-site personnel;
 - (iii) Inspection and removal of asbestos, and contamination and other hazardous materials;

(iv) Dust Control:-

Dust emission must be minimised for the full height of the building. A minimum requirement is that perimeter scaffolding, combined with chain wire and shade cloth must be used, together with continuous water spray during the demolition process. Compressed air must not be used to blow dust from the building site.

(v) Disconnection of Gas and Electrical Supply;

(vi) Fire Fighting:-

Fire fighting services on site are to be maintained at all times during demolition work. Access to fire services in the street must not be obstructed.

(vii) Access and egress:-

No demolition activity shall cause damage to or adversely affect the safe access and egress of this building.

(viii) Waterproofing of any exposed surfaces of adjoining buildings;

(ix) Control of water pollution and leachate and cleaning of vehicles tyres:-

Proposals shall be in accordance with the Protection of the Environmental Operations Act 1997.

(x) Working hours, in accordance with this Development Consent;

(xi) Confinement of demolished materials in transit;

(xii) Proposed truck routes, in accordance with this Development Consent;

(xiii) Location and method of waste disposal and recycling in accordance with the Waste Minimisation and Management Act 1995.

The demolition by induced collapse, the use of explosives or on-site burning is not permitted.

OTHER DEMOLITION DETAILS

- (32) Prior to the commencement of demolition work, the following additional details are required to be submitted to the Principal Certifying Authority (PCA) (Council or a accredited certifier), and a copy submitted to Council if its not the PCA:-

- (a) A Statement/Letter from an appropriately qualified Structural Engineer certifying concurrence with the structural provisions of the Demolition Work Method Statement and proposed work. If applicable, a Structural Report of the proposed building to be demolished must be attached.
- (b) A Letter nominating the person appropriately qualified as an Occupational Hygiene Consultant for inspecting the building/site for asbestos, contamination and other hazardous materials, in accordance with the procedures acceptable to WorkCover Authority.
- (c) Dilapidation Report/s of adjoining buildings.
- (d) A certified copy of the Public Liability Insurance indemnifying Council for \$10,000,000 against public prosecution for the duration of the demolition works.
- (e) An Asbestos and Hazardous Materials Clearance Certificate by a person approved by the WorkCover Authority.

EXCAVATION WORK METHOD STATEMENT

- (33) Prior to commencement of site excavation works, an Excavation Work Method Statement prepared by an appropriately qualified person must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or an accredited certifier) and a copy submitted to Council (if it is not the PCA). The Statement must include:-
 - (a) Name and address of the company/contractor undertaking excavation works;
 - (b) The name and address of the company/contractor undertaking off site remediation/disposal of excavated materials (if applicable);
 - (c) Name and address of the transport contractor, and location of the disposal site;
 - (d) Type and quantity of material to be removed from site;
 - (e) A Materials Handling Statement for the removal of refuse from the demolition site, in accordance with the provisions of the Waste Minimisation and Management Act 1995;
 - (f) A Dust Control Method Statement for excavated sandstone or other excavation materials;
 - (g) Procedures to be adopted for the prevention, of loose or contaminated material, spoil, dust and litter from being deposited onto the public way from trucks and associated equipment, and the proposed method of cleaning surrounding roadways from such deposits;

- (h) Measures to enclose the excavation site, including safety barriers, particularly if the excavation is greater than 1.5 metres deep. Plastic jersey kerb barriers are not permitted;
- (i) Any WorkCover Authority requirements.

Note:

- (i) A copy of all Reports/Statements referenced in the Work Method Statement must be appended to the Statement.
- (ii) The Principal Certifying Authority is to be notified of any proposed alteration of the above information during the course of demolition.
- (iii) On completion of removal of contaminated materials, a certificate shall be submitted to the PCA, and a copy provided to the Council (if it is not the PCA) testifying to the safe and proper disposal, and amount of all such material.

WASTE MANAGEMENT DURING DEMOLITION AND EXCAVATION

- (34) A Waste Management Plan for the demolition and/or excavation of the proposed development must be submitted to the satisfaction of the Principal Certifying Authority (and a copy submitted to Council if it is not the PCA) before commencement of work on the site.

Certification that the plan is in accordance with the Development Approval Conditions, Council's Code for Waste Handling in Buildings and the Waste Minimisation and Management Act 1995, must be submitted in the attached form W3 to the satisfaction of the Principal Certifying Authority. Such Certification must be submitted by an appropriately qualified person experienced in Waste Handling Design and Environmental Management.

The Waste Management Plan must address demolition and excavation, as applicable. The Plan must describe procedures by which waste will be minimised, managed and recycled and must address the following issues:-

- (a) Compliance with the requirements set out in Annexure ("A") of the Code for Waste Handling in Buildings adopted by Council 17 October 1994.
- (b) Details of recycling and the removal of spoil and rubbish from the site in the course of demolition and excavation operations including:-
 - (i) Type and quantities of material expected from demolition and excavation;
 - (ii) Name and address of transport company;

- (iii) Address of proposed site of disposal;
- (iv) Name/address of company/organisation accepting material;
- (v) Types and quantities of materials that are to be reused or recycled, on and off site and procedures involved;
- (vi) Name of company/contractor undertaking on and off site reuse and recycling, and address of recycling outlet;
- (vii) Material for disposal and justification of disposal;
- (viii) If details of items (ii) to (vii) are not known at the time of preparation of the Waste Management Plan, the information must be supplied immediately after the letting of the contracts.

All requirements of Waste Management Plans must be implemented during the demolition and/or excavation period of the development.

Note:

The Principal Certifying Authority must be notified of any proposed change in any of the above details throughout the course of work.

APPLICATION FOR HOARDINGS AND SCAFFOLDING ON A PUBLIC PLACE

- (35) A separate application is to be made to Council for Approval under Section 68 of the Local Government Act 1993 to erect a hoarding or scaffolding in a public place and such application is to include:-
- (a) Architectural, construction and structural details of the design in accordance with the Policy for the Design and Construction of Hoarding (September 1997) and the Guidelines for Temporary Protective Structures (April 2001).
 - (b) Structural certification prepared and signed by an appropriately qualified practising structural Engineer.
 - (c) Evidence of the issue of a Structural Works Inspection Certificate and structural certification will be required prior to the commencement of demolition or construction works on site.
 - (d) Should the hoarding obstruct the operation of Council's CCTV Cameras, the applicant shall relocate or replace the CCTV camera within the hoarding or to an alternative position as determined by Council's Contracts and Asset Management Unit for the duration of the construction of the development. The cost of relocating or replacing the CCTV camera is to be borne by the applicant. Further information and a map of the CCTV cameras is available by contacting Council's CCTV Unit on 9265 9232.

- (e) Assessment of the impacts of construction and final design upon the City of Sydney's street furniture such as bus shelters, phone booths, bollards and litter bins. Street furniture must be accessible during construction for use and maintenance. Note: The cost of any removals, storage and relocation during construction, and reinstatement upon completion, must be borne by the applicant. The applicant must also seek permission from the telecommunications carrier (eg. Telstra) for the removal of any public payphones.
- (36) Where construction/building works require the use of a public place including a road or footpath, approval under Section 68 of the Local Government Act 1993 for a Barricade Permit is to be obtained from Council prior to the commencement of work. Details of the barricade construction, area of enclosure and period of work are required to be submitted to the satisfaction of Council.

PEDESTRIAN AND TRAFFIC MANAGEMENT DURING CONSTRUCTION

- (37) A Pedestrian and Traffic Management Plan must be submitted to and approved by Council prior to commencement of construction on the site and must include details of:-
- (a) Proposed ingress and egress of vehicles to and from the construction site;
 - (b) Proposed protection of pedestrians adjacent to the site;
 - (c) Proposed pedestrian management whilst vehicles are entering and leaving the site;
 - (d) Proposed route of construction vehicles to and from the site.

The Pedestrian and Traffic Management Plan shall be implemented during the construction period.

USE OF MOBILE CRANES

- (38) Permits required for use of mobile cranes:-
- (a) For special operations including the delivery of materials, hoisting of plant and equipment and erection and dismantling of on site tower cranes which warrant the on street use of mobile cranes, permits must be obtained from Council for the use of a mobile crane. The permits must be obtained 48 hours beforehand for partial road closures which, in the opinion of Council will create minimal traffic disruptions and 4 weeks beforehand in the case of full road closures and partial road closures which, in the opinion of Council, will create significant traffic disruptions.

- (b) Mobile cranes operating from the road must not be used as a method of demolishing or constructing a building.
- (c) Special operations and the use of mobile cranes must comply with the approved hours of construction. Mobile cranes shall not be delivered to the site prior to 7.30am without the prior approval of Council.

CERTIFICATION OF MECHANICAL VENTILATION

- (39) The details of any mechanical ventilation or air conditioning must be certified by a competent person to comply with Council's Ventilation Code, the Building Code of Australia and relevant Australian Standards, to the satisfaction of the Principal Certifying Authority (Council or an accredited certifier) prior to commencement of any mechanical services work.

To enable certification, the mechanical ventilation documentation prescribed below shall be submitted to the Principal Certifying Authority:-

- (a) Certified plans (in duplicate), coloured so as to adequately distinguish the proposed alterations;
- (b) A general description of the project plus mechanical ventilation drawings and documentation in duplicate, coloured to show ductwork and equipment as set out below. (Where appropriate a schematic drawing should also be submitted).
 - (i) Supply Air Ducts, Shafts and Fans - Blue
 - (ii) Return Air Ducts, Shafts and Fans - Pink
 - (iii) Outside Air Ducts, Shafts, Intakes and Stair Pressurisation - Green
 - (iv) Exhaust Air Ducts, Shafts, Fans, Discharges and Smoke Spill - Orange
 - (v) Mixing Boxes and Conditions - Yellow
 - (vi) Fire Dampers and Electric Heaters - Red
- (c) Drawings which show where applicable the existing and proposed air intakes, air discharges and cooling towers and their relative position to each other, the boundaries of the site, openable windows, and adjoining buildings;
- (d) A Mechanical Ventilation Design Certificate pursuant to Section 93 of the Local Government Act 1993 in the form of Attachment M1, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) together with the Curriculum Vitae of the Design Engineer or other appropriate Certifier must be submitted to Principal Certifying Authority (PCA). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council by the PCA;

- (e) Documentary evidence in support of requests for departure from the prescribed or deemed provisions of the Building Code of Australia or any other requirements.

STRUCTURAL CERTIFICATION FOR DESIGN - MAJOR WORKS

- (40) Prior to the commencement of work, the following documentation must be submitted to the satisfaction of the Principal Certifying Authority (PCA) and a copy of same submitted to Council (if it was not the PCA):
 - (a) Structural Drawings showing all new fully detailed structural elements, prepared by an appropriately qualified practising Structural Engineer, corresponding with and attached to a Structural Certificate (see (b));
 - (b) Structural Certificate/s for Design, of all new fully detailed structural elements and for checking any structural elements supporting the new work, submitted in the form of Attachment S1A completed by the Project/Principal Engineer and S1B completed usually by the Architect, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979), after the structural drawings have been checked and comply with:
 - (i) The relevant clauses of the Building Code of Australia (BCA);
 - (ii) The relevant conditions of Development Consent;
 - (iii) The Architectural Plans incorporated with the Construction Certificate; and
 - (iv) The relevant Australian Standards listed in the BCA (Specifications A1.3);
 - (v) Any other relevant report/s or documents. Specify on Attachment S1A.
 - (c) Repeat (i) and (ii) for any revision, or staged submission of structural drawings.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1A must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering; AND
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND

- (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.
- (e) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.
- (i) An appropriately qualified person certifying by completing Attachment S1B must have a good working knowledge of the Building Code of Australia and Structural and Architectural drawing co-ordination so that all structural elements supporting the new work are fully certified by the project structural engineer.
 - (ii) Certification of Inspection/s is also required prior to issue of the Occupation Certificate, and/or prior to use. See Schedule 1E Conditions.

Schedule 1D

Conditions to be complied with during work on site to the satisfaction of the Principal Certifying Authority

HOURS OF WORK AND NOISE

- (41) The hours of construction and work on the development shall be as follows:
- (a) All work, including demolition, excavation and building work in connection with the proposed development must only be carried out between the hours of 7.00 a.m. and 7.00 p.m. on Mondays to Fridays, inclusive, and 7.00 a.m. and 5.00 p.m. on Saturdays, and no work must be carried out on Sundays or public holidays.
 - (b) All work, including demolition, excavation and building work must comply with "The City of Sydney Code of Practice for Construction Hours/Noise 1992" and Australian Standard 2436-1981 'Guide to Noise Control on Construction, Maintenance and Demolition Sites'.
 - (c) Note: The "City of Sydney Code of Practice for Construction Hours/Noise 1992" allows extended working hours subject to the approval of an application in accordance with the Code and under Section 96(2) of the Environmental Planning and Assessment Act 1979.

SITE NOTICE OF PROJECTS DETAILS AND APPROVALS

- (42) A site notice(s) is to be prominently displayed at the boundary to each frontage of the site for the purposes of informing the public of appropriate project details and relevant approvals. The notice(s) is to satisfy all of the following requirements:-
- (a) Minimum dimensions of the notice are to measure 841mm x 594mm (A1) with any text on the notice to be a minimum of 30 point type size;
 - (b) The notice is to be durable and weatherproof and is to be displayed throughout the construction period;
 - (c) A copy of the first page of the development approval, building approval (including any modifications to those approvals) and any civic works approvals is to be posted alongside the notice in weatherproof casing;
 - (d) The approved hours of work, the name of the site manager, the responsible managing company, its address and 24 hour contact phone number for any enquiries, including construction/noise complaint are to be displayed on the site notice;
- (43) The notice(s) is to be mounted at eye level on the perimeter hoardings and is to state that unauthorised entry to the site is not permitted.

LOADING AND UNLOADING DURING CONSTRUCTION

- (44) The following requirements apply:-
- (a) All loading and unloading associated with construction must be accommodated on site.
 - (b) The structural design of the building shall be such as to permit the basement and/or the ground floor to be used as a loading and unloading area for the construction of the remainder of the development.
 - (c) If, during excavation, it is not feasible for loading and unloading to take place on site, the provision of a construction zone may be considered by Council.
 - (d) In addition to any approved construction zone, provision must be made for loading and unloading to be accommodated on site once the development has reached ground level.

- (e) If a construction zone is warranted, such an application must be made to Council prior to commencement of work on the site. An approval for a construction zone may be given for a specific period and certain hours of the days to reflect the particular need of the site for such facility at various stages of construction. The approval will be reviewed periodically for any adjustment necessitated by the progress of the construction activities.
- (45) The public way must not be obstructed by any materials, vehicles, refuse, skips or the like, under any circumstances. Non-compliance with this requirement will result in the issue of Notice by Council to stop all work on site.
- (46) To comply with the Protection of the Environment (Operations) Act 1997 whereby it is an offence to pollute classified waters such as Sydney Harbour to which most of the City's street drainage is directly connected:-
 - (a) concrete trucks, concrete pumps and their attachments, and trucks used for the disposal of spoil shall not be washed out on the public way;
 - (b) any water collected from on-site washing down of concrete trucks, concrete pumps or their attachments and trucks used for the disposal of spoil shall not be pumped, directed or allowed to flow to the street stormwater system;
 - (c) any seepage or rain water collected on site during construction shall not be pumped to the street stormwater system unless separate prior approval is given in writing by Council and evidence of approval is to be submitted to the Principal Certifying Authority prior to discharge into such system.

Schedule 1E

Conditions to be complied with prior to issue of Occupation Certificate and prior to commencement of use, to the satisfaction of the Principal Certifying Authority

CITY OF SYDNEY COMPLIANCE INSPECTIONS

- (47) The purpose of this condition is to ensure that the Council is given sufficient notice prior to the issuing of the Occupation Certificate to carry out inspections of soon to be completed buildings, where Council considers it necessary. In doing so, this ensures that the Council is able to provide an independent analysis of whether the building is constructed to a standard that complies with the BCA and in accordance with the development consent.

- (a) The applicant and building owner are to note that it is an offence under S.109N of the Environmental Planning and Assessment Act 1979, to occupy or use a building in whole or in part, unless an Occupation Certificate has been issued in relation to the building or the part.
 - (b) A maximum penalty of 25 penalty units applies under the provisions of the Environmental Planning and Assessment Act 1979, for the contravention of the above requirements.
 - (c) Council officers may undertake random inspections from time to time during construction and toward the end of building works to ensure that buildings or part of buildings are not occupied without a partial or final Occupation Certificate, and to check compliance with conditions of development consent and the BCA.
 - (d) In the event that a Principal Certifying Authority (PCA) other than Council is appointed, written notice shall be given to Council (whether by the developer, builder or other person relying on the development consent) on each of the following occasions:
 - (i) Within 7 days of installation of services, such as plumbing, mechanical ventilation and the like which penetrate fire rated walls and slabs (excluding basement areas); and
 - (ii) 7 days prior to the installation of false ceilings or cornices which abut fire rated walls and slabs; and
 - (iii) 14 days prior to the final inspection to be carried out by the PCA for the purpose of issuing an Occupation Certificate.
 - (e) The PCA shall be advised in writing (whether by the developer, builder or other person relying on the development consent) of Council's requirements pursuant to paragraph (d).
 - (f) This reserves time for Council or persons appointed by Council to conduct any random inspections Council may choose to do, prior to the issue of the Occupation Certificate, in order to ensure that buildings or part of buildings are not occupied without a partial or final occupation certificate, and to undertake random audits of certified works.
- (48) An Occupation Certificate (in accordance with Clause 155 of the Environmental Planning and Assessment Regulation 2000) must be obtained from the Principal Certifying Authority (PCA) (Council or a private accredited certifier) and a copy furnished to Council in accordance with Section 79L of the Environmental Planning and Assessment Amendment Regulation 1998 prior to commencement of occupation or use of the whole or any part of a new building, an altered portion of, or an extension to an existing building. A copy of the certificate shall be submitted to Council if it was not the PCA.

NUMBERING

- (49) Prior to issue of an Occupation Certificate street, numbers and the building name, shall be clearly displayed at either end of the ground level frontage in accordance with the “Policy on Numbering of Premises within the City of Sydney”. If new street numbers or a change to street numbers are required, a separate application shall be made to Council.
- (50) Prior to issue of an Occupation Certificate, shop numbers must be clearly displayed in accordance with the “Policy on Numbering of Premises within the City of Sydney”.
- (51) Any proposed naming of the development which intends to incorporate the name of a city street, park or place, is subject to the separate approval of Council.
- (52) All materials used in the building shall comply with specification C1.10 of the Building Code of Australia.

COMPLIANCE CERTIFICATE FOR NOISE REDUCTION

- (53) Prior to issue of an Occupation Certificate, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifying authority). This must certify compliance with the Noise Reduction conditions in Schedule B of this consent, being the requirements in the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

COMPLIANCE CERTIFICATE FOR ACOUSTIC PRIVACY

- (54) Prior to issue of an Occupation Certificate, a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier). This must certify compliance with the Acoustic Privacy conditions in Schedule B of this consent, being the requirements in Clauses 6.1.13 – 6.1.16 of the Central Sydney DCP 1996 Amendment No. 5 - Internal Residential Amenity. A copy of the Certificate shall be submitted to Council if it was not the PCA.

WASTE MANAGEMENT CERTIFICATION OF COMPLETION

- (55) Upon completion of construction and prior to the issue of an Occupation Certificate under the Environmental Planning and Assessment Act 1979 (Form 12) or part thereof, compliance of all the building’s waste management facilities with the requirements set out in the approved Building Waste Management Plan and in accordance with Council’s Code for Waste Handling in Buildings is to be verified and approved by Council’s Manager Contracts and Asset Management.

- (56) Prior to issue of an Occupation Certificate and/or prior to commencement of the use the building owner must ensure that there is a contract either with Council or a licensed contractor for the removal of trade waste. No garbage is to be placed on the public way eg. Footpaths, roadways, plazas, and reserves at any time.

MECHANICAL VENTILATION PERFORMANCE CERTIFICATE

- (57) Prior to issue of an Occupation Certificate under Environmental Planning and Assessment Act 1979 and following the completion, installation, and testing of all the mechanical ventilation systems covered by the approval, a Mechanical Ventilation Certificate of Completion and Performance in the form of Attachment M2, OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the Principal Certifying Authority (PCA) (Council or a private accredited certifier). A copy of the Certificate and a microfilm set of the certified drawings must be submitted to Council if it was not the PCA.

CERTIFICATION FOR STRUCTURAL INSPECTIONS

- (58) Prior to issue of an Occupation Certificate or use of the premises, a Structural Inspection Certificate in the form of Attachment S1C OR a Compliance Certificate (in accordance with Section 109C of the Environmental Planning and Assessment Act, 1979) must be submitted to the satisfaction of the Principal Certifying Authority (PCA) (Council or a private accredited certifier) after:
- (a) The site has been periodically inspected and the structural certifier is satisfied that the Structural Works are deemed to comply with the final Design Drawings; and
 - (b) The drawing revisions listed on the Inspection Certificate have been checked with those listed on the final Design Certificate/s.
 - (c) A copy of the Certificate with a microfilm set of the final drawings shall be submitted to Council if it was not the PCA.

Notes:

- (d) An appropriately qualified practising structural engineer certifying by completing Attachment S1C must have:-
 - (i) Appropriate tertiary qualifications in Civil or Structural Engineering, AND;
 - (ii) Corporate membership of the Institution of Engineers Australia or equivalent; AND
 - (iii) Evidence of relevant experience in the form of a CV/Resume;
 - (iv) Appropriate current professional indemnity insurance.

- (e) An appropriately qualified practising structural engineer certifying by issuing a Compliance Certificate must have accreditation as a certifier for Structural Engineering issued by the Institution of Engineers Australia in accordance with the Environmental Planning and Assessment Act 1979.

LOT CONSOLIDATION

- (59) All land titles within the site must be consolidated into one lot. A plan of consolidation in a form capable of registration shall be lodged with the Land Titles Office prior to issue of a Occupation Certificate under the Environmental Planning and Assessment Act 1979.
- (60) The premises must be ventilated in accordance with the Building Code of Australia and Council's Ventilation Code.

Schedule 1F

Conditions to be complied with during the use of Premises

REMOVAL OF GRAFFITI

- (61) The owner/manager of the site shall be responsible for the removal of all graffiti from the building within 48 hours of its application.
- (62) The glass shop front must not be tinted, screened by blinds, curtains or the like or obscured.

CARE OF BUILDING SURROUNDS

- (63) In addition to Council's daily street sweeping and cleansing operations, the owner/manager of the building shall ensure that the forecourt and the surrounds of the building including pavements and gutters are to be kept clean and free of litter at all times.

NOISE - USE

- (64) The use of the premises including music and other activities must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to midnight daily and 0dB above the L90 background between 12 midnight and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of

hearing, as specified by the equal loudness contours for octave bands of noise, this sub-clause does not apply to any such frequencies.

- (c) During the period 12 midnight to 7.00 a.m. the use shall be inaudible in any habitable room of any residential premises.
- (d) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) and (d) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

NOISE - MECHANICAL PLANT

- (65) Noise associated with mechanical plant must not give rise to any one or more of the following:
 - (a) Transmission of vibration to any place of different occupancy greater than specified in AS 2670.
 - (b) An indoor sound pressure level in any place of different occupancy (and/or public place) greater than 3dB above the L90 background level or greater than 5dB at the boundary of any affected property in any octave band from 31.5 Hz to 8,000 Hz centre frequencies inclusive between the hours of 7.00 a.m. to 10.00 p.m. daily and 0dB above the L90 background between 10.00 p.m. and 7.00 a.m. the following morning. However, when the L90 background levels in frequencies below 63 Hz are equal to or below the threshold of hearing, as specified by the equal loudness contours for octave bands of noise, this subclause does not apply to any such frequencies.
 - (c) The emission of an "offensive noise" as defined under the Protection of the Environment (Operations) Act 1997.

The method of measurement of vibration in (a) and sound levels in (b), (c) must be carried out in accordance with AS 2973 for vibration measurements. AS 1055 for outdoor sound level measurements, and AS 2107 for indoor sound level measurements.

Schedule 2

The prescribed conditions in accordance with Clause 98 of the Environmental Planning and Assessment Regulation 2000 apply to the development.

Carried.

ITEM 9. REZONING APPLICATION FOR KING STREET WHARVES 9 AND 10 (DRAFT AMENDMENT 15) (SO20670)

Moved by Councillor Turnbull, seconded by Councillor Coulton -

That arising from consideration of a report by the Manager Strategic Planning to Council on 24 February 2003, in relation to the Rezoning Application for King Street Wharves 9 and 10 (Draft Amendment 15), it be resolved that:-

- (A) the Central Sydney Local Environmental Plan 1996 be amended in the manner shown in Attachments A and B to the subject report;
- (B) the Department of Urban Affairs and Planning be notified of Council's resolution to prepare a local environmental plan, in accordance with Section 54 (Decision to prepare a local environmental plan) of the Environmental Planning and Assessment Act 1979;
- (C) authority be delegated to the Lord Mayor to finalise matters relating to Central Sydney Local Environmental Plan 1996 in relation to the rezoning of Wharves 9 & 10;
- (D) Council exercise its delegated powers under Section 65 (Certificate of Director) and Section 69 (report by Director) of the Environmental Planning and Assessment Act 1979, in accordance with the Best Practice Guidelines published by the Department of Urban Affairs and Planning in January 1997, and titled 'LEP's and Council land-Guidelines for Councils using delegated powers to prepare LEP's involving land that is or was controlled by Council.'

Carried.

ITEM 10. RETAIL STRATEGY (S014823)

Moved by Councillor Marsden, seconded by Councillor Coulton -

That arising from consideration of a report by the Retail Manager to Council on 24 February 2003, on the draft Retail Strategy, it be resolved that Council adopt the draft Retail Strategy as shown at Attachment A to the subject report.

Carried unanimously.

Note - The Retail Strategy, as adopted by Council, is as follows.

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

1. INTRODUCTION

Retailing is at the heart of the dynamic Living City environment that the City of Sydney continues to foster. It contributes to the economic health of the city and adds to the vitality of city life. Fashion, food, film and festivals are already established as an integral part of the city experience. This Strategy identifies new initiatives, as well as the ongoing efforts and achievements that are being pursued by the City which help position Sydney City as Australia's pre-eminent shopping, dining and leisure destination.

2. THE ROLE OF THE CITY OF SYDNEY***To create a vibrant, living city environment in which retail can flourish***

The primary function of the City is to deliver core services, in the form of public spaces and streets which are in good condition, well lit, safe, clean and enhance the overall retail environment.

The City sets a high standard in the delivery of services including street cleaning, graffiti removal, litter control, waste collection and maintenance of assets. The City further assists retailers by taking a lead role implementing retail marketing programs and cultural activities that attract visitors and position the city as a vibrant, dynamic destination for shopping dining and entertainment.

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

3. RETAIL STRATEGY

The aim of the Retail Strategy is to identify the City activities, which enhance Sydney's status in the local, national and international markets as Australia's premier shopping destination. The Retail Strategy also aims to benefit city retailers by coordinating activities, which support and add to the retail environment.

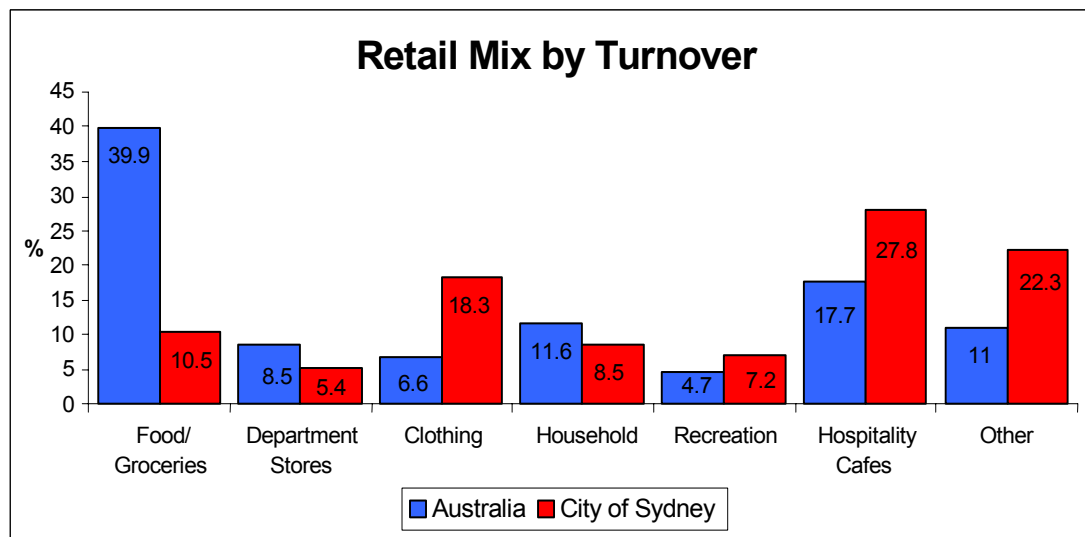
Retail Strategy Overview

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

4. RETAILING IN THE CITY OF SYDNEY

The City of Sydney is Australia's largest retail precinct in terms of floor space, number of employees and highest turnover¹. The city's retail industry is also unique, in that unlike suburban shopping centres, it depends less on grocery and discount department store retailing and more on fashion, hospitality and service retailing.

SNAP SHOT OF CITY RETAILING



Source: ABS Retail Trade Australia 8501. City of Sydney Floor Space and Employment Survey 2001

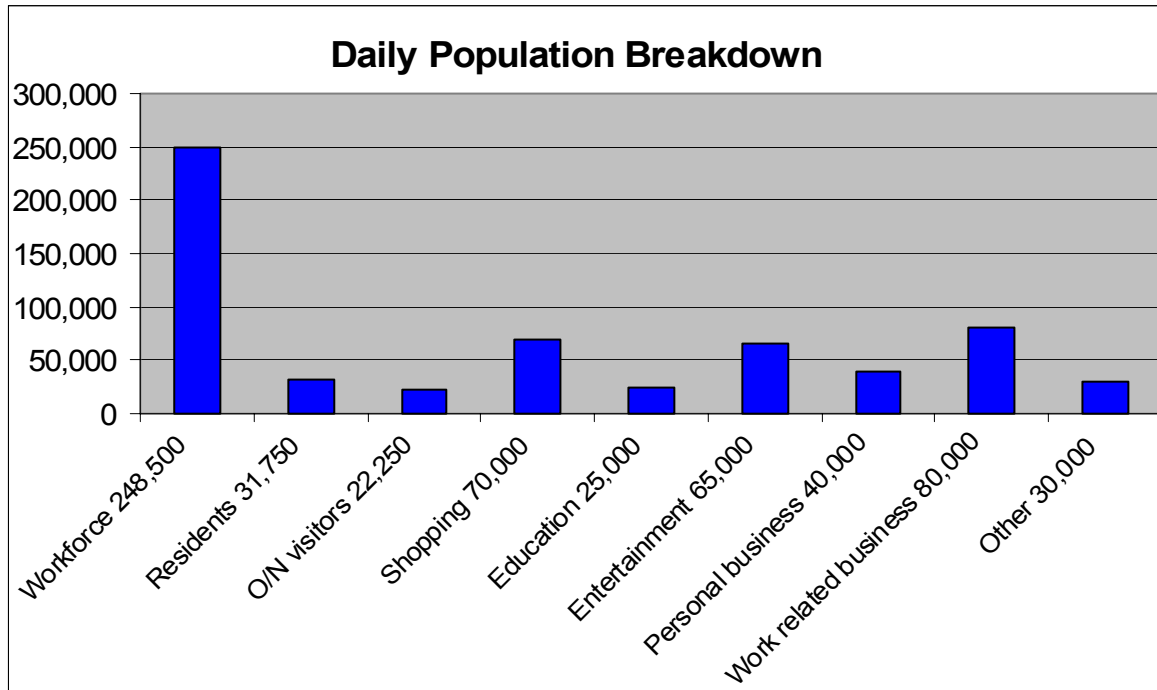
Living City

Over the last five years city retailing has undergone a renaissance. This resurgence coincides with the City's Living City vision, which has resulted in a dramatic increase in the number of city residents, workers and international tourists. Since 1991 the city's daily population has increased more than 20% to over 600,000 daily visitors in 2001².

¹ CB Richard Ellis- Appendix C - Aspects of Investment Environment Melbourne Retail Core Development Strategy. City of Sydney Floor Space and Employment Survey. Shopping Centre News March 2001

² City of Sydney Year book 1999

CITY OF SYDNEY RETAIL STRATEGY 2003-2006



*Source: City of Sydney arising from data supplied by Transport Data Centre, Transport NSW -Household Travel Survey

Key strengths of City Retailing:

- The hub of Sydney's public transport system.
- Metropolitan-wide visitor catchment.
- Daily population of 600,000 people.
- A rapidly growing residential population of approx 31,750.
- Considered the gateway to the rest of Australia in terms of international tourism, attracting 50% of international tourists.³
- In the top five conference destinations in the world.⁴

³ Bureau of Tourism Research

⁴ International Conference and Convention Association

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

5. RETAIL MARKETING

City retailers play an important role in the marketing of the City's image to residents, workers, tourists and visitors. The City recognises the importance of supporting retailers through direct marketing initiatives that attract shoppers and showcase the benefits that city shopping has to offer. More than \$1.4 million is committed annually to retail initiatives through the financial contribution of the City and retail partners.

The City provides direct retail support through the following:

➤ **Sydney City Marketing**

Sydney City Marketing is a jointly funded financial partnership between the City of Sydney and major CBD retailers. The partnership promotes Sydney City as a premier shopping destination and provides direct benefit to all retailers through marketing campaigns, which drive visitation and promote the unique attributes of the city shopping experience.

➤ **Eat Streets at Night**

The City continues to provide direct marketing support to restaurateurs through the 'Eat Streets at Night' program, which is part of the City's strategy to improve the ambience of the city and provide a vibrant lifestyle that's active 24 hours a day, seven days a week. Participation in the Eat Streets at Night program is free to all city cafes, restaurants and bars that keep their kitchens open till at least 11pm, a minimum of 3 nights each week.

➤ **Sydney Convention & Visitors Bureau**

Unlike suburban retailers, City retailers benefit strongly from increased tourism given more than 50% of international visitors reside in the CBD and that shopping is their most preferred activity. The business tourism market provides the highest yield market for the city, with business visitors spending over three times the average spent by international tourists in Australia. The City will continue to provide support for the business tourism market by funding the Sydney Convention & Visitors Bureau (SCVB). The SCVB is a not-for-profit destination-marketing organisation that promotes Sydney, both nationally and internationally, as a world leading business tourism destination.

➤ **Spring Fashion Festival**

The City will investigate the feasibility of establishing a Spring Fashion Festival in collaboration with major retailers, which coincides with this peak retail period and helps position the City as a leading fashion destination.

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

6. CIVIC IMPROVEMENTS

The City is committed to improving the public domain and environment through major upgrades of our streets, parks and open spaces.

➤ **Celebrating the Gateways to the City**

The City recognises the importance of providing a fitting entrance to Australia's premier city. The City will celebrate the major 'gateways' to Central Sydney by progressively upgrading the following roadway approaches over the next 5 years, subject to these areas being brought under the jurisdiction of the City of Sydney:

- Oxford Street
- Broadway
- Darlinghurst Road
- William Street

➤ **Civic Improvements**

Since 1997 the City has invested more than \$320 million in civic infrastructure improvements, including an upgrade of our retail precincts with wider footpaths, granite paving, new street trees and street furniture, as well as enhanced lighting. These improvements have reduced clutter on footways, allowing more room for pedestrians as well as space for outdoor seating.

7. CITY ENVIRONMENT

The City's public domain plays an important part in the vibrancy of the city as a place to live, work, shop and be entertained. The City is committed to ensuring that our public spaces make a positive contribution to the city amenity, accessibility and ambience.

➤ **Retail Advertising and Signage**

The City is to review its planning controls governing signage in 2003, with a view towards encouraging high quality and well designed advertising. The revised Development Control Plan will seek to expand the categories of business advertising which are exempt from the need to apply for developments approval. In addition, new planning controls will encourage improvements to the quality of shop front displays in the city centre.

➤ **Encouraging Street front retailing**

The City is to review its planning controls governing street frontages in 2003, with a view towards continuing to actively promote street level retailing across central Sydney. This will include requiring active street frontages for all new developments to add to the retail environment for pedestrians and shoppers.

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

- **Outdoor Café seating**

The City recognises that outdoor cafes make a significant contribution to the quality of public spaces. Through the Outdoor Seating Policy the City will continue to encourage restaurateurs to establish outdoor café seating to add to the vibrancy of our street life.
- **Living Colour**

The City will continue to enhance the look of our streets, plazas and public spaces through the installation of decorative spring and summer flower displays in key locations.
- **Banners**

Since 1997 the City has installed Smartpoles™ with facilities for decorative banners in all prominent city streets throughout Central Sydney. The City's Street Banners promote major events and activities to daily visitors, workers and shoppers and add a decorative element during key periods.
- **Christmas Activities**

The City supports retailers through the installation of a Christmas tree, decorations and a children's Christmas concert to add to the festive atmosphere of the city during one of the most lucrative periods on the retail calendar.
- **Busking**

Busking adds to the colour and vibrancy of our city environment. The City will continue to manage impacts associated with busking such as noise levels, crowds and access to store entrances through our Busking Policy, which sets guidelines for busking in retail precincts.

8. CLEAN CITY

An estimated 600,000 people visit the city centre each day. The cleanliness of our public spaces has an impact on the appearance of the retail environment and leaves a lasting impression in the minds of visitors, residents and tourists.

- **Food Safety & Environmental Health**

Through regular inspections the City monitors food handling and hygiene practices to make our cafes and restaurants healthier. The City's Health Unit also runs six-monthly health promotion programs targeting food outlets. Programs cover all aspects of food safety and hygiene including storage; hand washing and food handling and involve on-site education and distribution of relevant material to food premises.

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

➤ **Graffiti Removal**

The most effective means of dealing with graffiti is through its immediate and continued removal to discourage repeat offences. To this end the City adopts a lead role by removing graffiti from City owned buildings, public spaces and street furniture within 24 hours of reporting. The City has also successfully lobbied the State Government to allow graffiti removal from publicly accessible private property.

➤ **Street Cleaning**

The City continues to 'raise the bar', setting new standards for response times and minimum standards of presentation for street cleaning, waste removal and maintenance. The City has also achieved service delivery efficiencies gained through a new round of competitive tendering adopted in 2002.

➤ **Cigarette Butt Reduction**

To reduce cigarette butts in 'hotspot' areas outside of retail premises, the City works with businesses by providing information packs and subsidies of up to 50% on the cost of approved cigarette butt receptacles. The City also provides portable personal ashtrays from our One Stop Shop.

9. TRANSPORT and PARKING

The City's transport policies help create a sustainable city environment that provides safety and comfort for pedestrians as well as free flowing traffic for vehicles. To assist retailers the City strives to balance the need for service vehicle access while limiting commuter parking during business hours. At the same time the City aims to improve the competitiveness of the city for shopping outside of peak business periods. Key strategies include:

➤ **Pitt Street Mall**

The City is committed to enhancing Pitt Street Mall as Australia's premier retail precinct, as well as alleviating safety concerns caused by delivery vehicles during retail trading hours. To improve the public amenity of the Mall the City is implementing an Access Management Policy, which involves a new regime of traffic management including:

- Prohibiting all vehicles parking on the Mall between 9am–9pm.
- Introducing a *Shared Zone* to limit vehicle speeds to 10kph.
- Seeking a permanent road closure of Pitt Street Mall.
- Installing additional fixed bollards to separate pedestrians and vehicles during morning delivery periods.
- Stopping delivery and service vehicle access to loading docks on the Mall between 9am-4pm.
- Installing additional loading and truck zones in Market, Castlereagh and King Streets.

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

Subject to these initiatives being adopted and adhered to for at least twelve months by those making and receiving deliveries, the City will commit funding in the order of \$4 million to undertake a major upgrade of the Mall.

➤ **Cross City Tunnel**

The construction of the Cross City Tunnel by 2005 will significantly reduce congestion by removing all east west through-traffic from city streets and substantially reduce pollution at street level. It will also allow civic improvements, such as the transformation of William Street into a major civic boulevard and improved amenity for pedestrians.

➤ **Central Sydney Transport Strategy**

The City will collaborate with the State Government to develop an Integrated Transport Strategy for central Sydney, which identifies the long term transport needs for city users, including retailers and shoppers.

➤ **Loading Zone Management**

The City is committed to continuing to improve the management of loading zones to assist retail deliveries. Through the transfer of Parking Enforcement from the State Government to the City in 2001, the City has significantly improved the accessibility and efficiency of loading zones in central Sydney through increased management and enforcement.

➤ **Weekend Parking**

To assist retailers outside normal business hours, the City provides reduced rates for on-street parking outside of peak periods to encourage city visitors. In addition the City will seek to increase the availability of parking for shoppers and city visitors on weekends by pursuing options to improve access to tenant spaces in key buildings around retail precincts.

10. SAFE CITY & HOMELESSNESS

As with any large international city, Sydney is faced with a number of issues in relation to crime, safety and homelessness that impact on the perception and amenity of the city as a retail precinct.

➤ **Safe City**

The City sets the benchmark for Local Government in developing strategies to make our streets, malls, parks and public places safer and friendlier for retail businesses and the community. The Safe City program consists of a number of initiatives including, CCTV cameras to monitor safety, formalised Interaction with Police to address issues of crime prevention, as well as public education programs such as 'Where's your bag?' 'Where's your wallet?'

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

➤ **Licensed Premises Accord**

Licensed premises add to the retail mix of the city and also play an important role in the life of the city. The City of Sydney has the highest concentration of 24-hour licensed premises in Australia. The way in which these premises are managed and the support provided by outside agencies can make a crucial difference to both the perceived and actual safety of residents and visitors to the city. The aim of the Licensed Premises Accord is to promote responsible serving of alcohol, enhance safety and security and improve the general amenity of the city.

➤ **Homelessness**

The City acknowledges that the homelessness problem cannot be solved by 'moving people on'. The City is committed to improving the quality of life for homeless people in central Sydney and works in partnership with various government agencies to deliver a number of initiatives including:

- The *Street Outreach Service*, which involves trained staff contacting homeless people in their own environment to assess their needs and negotiate an assistance package. As a part of this service the City will implement a strategy to address the issue of begging in the City in consultation with city retailers.
- The *Homeless Brokerage Program* is a partnership between the NSW Department of Housing and the City of Sydney that assists homeless people, who do not require intensive support, by purchasing accommodation, food and transport on their behalf.
- The *Homeless Persons Information Centre* (HPIC) is a telephone information and referral service for homeless and disadvantaged people which is directly operated by the City and assists homeless people by providing immediate advice, information and referrals to crisis accommodation and support services.

11. CULTURAL ACTIVITIES AND EVENTS

The City continues to build and support a varied calendar of events and cultural activities that attract large numbers of people and provide spin off benefits for retailers by showcasing the city as a place for entertainment and leisure activities. Events include; the internationally renowned New Year's Eve Celebrations, Sydney Festival, Sydney Cabaret Convention, Chinese New Year Festival, City Night Markets, and Sydney Film Festival.

The City is also working in collaboration with our stakeholders to develop major new activities that can grow into uniquely Sydney events.

CITY OF SYDNEY RETAIL STRATEGY 2003-2006

➤ **Art and About**

Over the next 4 years the City and AMP are investing \$440,000 per annum to stage a major new cultural event in central Sydney entitled *Art and About*. This event involves visual arts installations in various public spaces and aims to encourage visitation to the city to explore a range of activities.

➤ **3 Festivals. Come to your senses**

The 3 Festivals is another initiative which brings the City of Sydney, Tourism NSW and City Rail together to promote Biennale of Sydney, Sydney Writers' Festival and the Sydney Film Festival under the one banner to increase visitor numbers to the City particularly from interstate. These events provide an opportunity for Sydneysiders and visitors to experience the newest and best in contemporary art, film and writing from all over the world.

➤ **Christmas in the City**

To provide a coordinated approach to Christmas, the City continues to explore opportunities for greater cooperation between the City and our retail partners. Activities being pursued include a collaborative Christmas concert targeting families and a coordinated date for the launch of Christmas activities in the city.

12. COMMUNICATION

Effective communication between the City of Sydney and retailers provides the opportunity for input into City activities, events and issues of relevance to retailing.

➤ **Retail Forums**

The City will host regular Retail Forums chaired by the Lord Mayor or his nominee. Forums will provide an opportunity for input by retailers on City activities and enable the City to gain an accurate picture of issues and concerns faced by retailers.

➤ **City News - Newsletter**

City News is a City initiative which aims to provide relevant and timely information on the City activities including; details on city events, operational information and initiatives that impacts on city retailers and businesses.

➤ **Retail Unit**

To assist retailers the City has established a Retail Unit to provide a central point of contact for communication and enquiries. The role of the Retail Unit is to advise on specific retail initiatives and liaise with internal Council departments and external stakeholders to coordinate activities that impact on city retailing.

ITEM 11. QUESTIONS ON NOTICE**ADVERTISING BILLBOARD - BUS SHELTER (S018718)**

1. By Councillor Greiner

Question

Lord Mayor, I have had representation from a concerned citizen who has been negotiating with Council through Council's Hotline to have an advertising billboard removed from the bus shelter located at the corner of Clarence and Margaret Streets.

As you are aware commuters cannot see a bus approaching their stop whilst seated at the bus shelter. This particularly disadvantages commuters in the very hot weather as well as rain but it is especially difficult for elderly patrons.

My complainant has given me the name of a Council officer who has "told her it is going to be done" on 20th December "told her" the paper work was done to remove the advertisement. My concerned resident was clearly under the impression that this advertising poster was to be removed yet nothing has happened.

Could you ask the General Manager

- (1) to please investigate whether Council's City staff manning the hotline have given directions to any member of the public that advertising billboards would be removed.
- (2) would the General Manager please inform Council as to the number of complaints that have been received from commuters complaining about the advertising billboards on the bus shelters which impede their view of approaching buses; and
- (3) negotiate with Manboom the advertising agency selling these sites to at the very least redesign the advertising panels so that patrons can see buses as they approach their stop.

Answer by the Lord Mayor

To provide the statistical and other information required by this question will take a little time. A report will be prepared for the Councillors' Information Service as soon as practicable.

JAMES WATKINSON RESERVE (S018718)

2. By Councillor Greiner -

Question

Lord Mayor, I understand that two electric barbeques have been installed in James Watkinson Reserve one of which was located in a site agreed to by local residents. The second B-B-Q was simply placed in the Reserve which impinges upon local neighbours.

1. Would you please determine at whose behest two B-B-Qs were placed in James Watkinson Reserve?
2. Would you please ensure that at the very least that a tap is installed next to the upper level B-B-Q so that the B-B-Q can at least be cleaned?

As an addendum the lack of a tap in the upper section of the Reserve means that the local residents are hand watering from their own tap the local garden. It is my understanding that the local residents concerned don't mind doing the watering but they do object to Council not providing the tap and paying for the water itself.

Answer by the Lord Mayor

The Acting Director Asset Management and Compliance advises that -

“Following extensive community consultation, the Lord Mayor agreed that there should be two barbecues located in James Watkinson Reserve. That decision was reached following discussions with local residents at the back of Ultimo Event in October 2002.

Due to the location of the Reserve and limited space for construction of any of the facilities requested by the residents, there was no other available space in which to locate the barbecue in the upper section of the Reserve.

The Parks and Gardens Manager is obtaining quotes for the installation of a tap to provide water for cleaning and maintenance of the upper level barbecue.”

QUESTIONS WITHOUT NOTICE

SKATEBOARDERS (S018724)

1. By Councillor Greiner -

Question

Lord Mayor, my Question Without Notice is related to the very serious issue of skateboarders. In Macquarie Place, local tenants inform me that the skateboarders lift up the granite tiles and prop them against the wall to create a ramp.

So dangerous is this activity that a tourist seated at the outdoor tables of the local café in Macquarie Place had her ankle broken by a flying skateboard. The rider went one way, the skateboard went the other. She was on a cruise ship and I don't believe took the complaint further.

This is the second complaint that I've received in two weeks concerning skateboarders, the other being a city resident who had her right elbow broken by a skateboarder knocking her over in Hyde Park.

I think the time has come for you to stop burying your head in the sand on this skateboard issue. I think we have to rethink the urban design of the Cathedral Forecourt and Macquarie Place.

The choices, it seems to me, are either by Council resolution or by legislation.

Lord Mayor, my question is what are you going to do about it?

Answer by the Lord Mayor

Thank you Councillor Greiner. I will refer the matter of skateboarders to the next meeting of the Planning Development and Transport Committee for consideration.

For my part, no one has put in more calls to Council's law enforcement staff than me, requesting that they fix this problem, especially in relation to Cook and Phillip Park. But, as the General Manager discovered late last year, they weren't very responsive because there were other problems in that section and, as some people may be aware, half a dozen of them have since lost their jobs. Not over that issue but over a range of other issues.

The General Manager now has restructured law enforcement and I would like to think that he will ensure that skateboarders, and their abuse of public spaces in the City, will become a higher priority issue on the agenda for our City Rangers.

In any event, the matter will be referred to the next meeting of the Planning Development and Transport Committee for the Council to address. There is no simple and easy answer. Any propositions you have, Councillor Greiner, can then be put at that meeting.

You can ask the staff to come forward with a whole range of proposals on how the design of these places can be changed to make it more difficult for skateboarders. In any event, how are you going to totally prevent them in some of these flat, paved areas? But by all means look at all these issues.

WESTFIELD DEVELOPMENT - CENTREPOINT (S018724)

2. By Councillor Greiner -

Question

Lord Mayor, my next question relates to the redevelopment of Westfield, and by Westfield I mean the Centrepoint site, which I am sure will lead to an enhancement for all city stakeholders.

There are many stakeholders who will be affected, from the City residents, to commercial operators, and retailers, and I think traffic management for the surrounding streets will also be a critical issue.

It is in the public interest that the Council take the lead and ensure that all stakeholders in the community are fully appraised of the proposed changes on the Westfield site. To that end will you ensure that:

- (1) Council has a public exhibition in Customs House of all the plans and appropriate drawings as well as that part of the City model which shows the height and density of the new buildings; and allow community comment;
- (2) Specifically, the residents and commercial tenants and retailers in the surrounding streets be notified via an informative newsletter thoroughly documenting the changes to the site;
- (3) Following that, Council facilitate community consultations between officers from Westfield as well as the architects and other professionals involved, to enable city residents, the tenants and the retailers to discuss issues which could be of concern;
- (4) Council requests Westfield to consider establishing a page on their Centrepoint website to fully outline the changes that will occur on that site?

Answer by the Lord Mayor

Councillor Greiner, there are four questions.

The first one is: can the plan go on exhibition in Customs House? The answer is: I don't know how long the Customs House exhibition space will be operating for, for the simple reason that we are about to start work there. I have no problem with your request to exhibit at Customs House in principle. I think most major developments get exhibited, but it is a matter of feasibility.

In relation to question two as to whether we do a special newsletter, I am reluctant to agree to that. I don't think we should start individual processes for individual developments when they are just related to one site.

Can I say this though - those residents and those stakeholders are very articulate and there will be the normal public process and there will be ample opportunity for them to come before the Central Sydney Planning Committee and Council to put their point of view.

The third question is: can we facilitate consultation with key stakeholders? The answer is: we can request Westfield to do so and we have no problem with facilitating that if they are happy to do so.

The fourth question is: can we request Westfield to establish a webpage? The answer is: we can request Westfield to establish a webpage to explain their development. I am happy to do that. I am sure that they will have publicity material anyway.

STREET FURNITURE (S018724)

3. By Councillor Greiner

Question

Lord Mayor, my question relates to the relocation of a telephone advertising billboard.

This telephone, with a billboard attached, is located in George Street, immediately adjacent to the Hilton Hotel reconstruction site.

My request is that it be relocated because the hoarding for the Hilton site has impacted so much on the public way that there is room now for only one person to pass between the hoarding and the telephone booth.

The second part of the question is that, as from time to time this happens and it is an unintended consequence, could we impose, as a standard condition of consent for all development applications, the relocation of any street furniture infrastructure which obstructs the pedestrian way if the site is under redevelopment?

Answer by the Lord Mayor

Councillor Greiner, in relation to the first question I will request that staff review the matter to see if it justified to move the telephone advertising billboard and, if so, to try and have it moved.

In relation to the second issue, this sounds like an easy thing to agree to but I just don't like to keep adding conditions of consent. However, the answer is that it is probably a reasonable thing to do.

I ask the Director City Development and Projects to consider including a condition relating to consequential effects of redevelopment on street furniture.

INTERNAL TELEPHONE DIRECTORY (S018724)

4. By Councillor Greiner -

Question

Lord Mayor, I was asked by a resident recently to provide a contact detail for staff in a particular section. It drew to my attention that the phone book that was previously issued to Council as a directory of employees and titles is so grossly out of date it is unusable.

Given the high rate of turnover of Council staff, could you please ensure Councillors that a new phone book and directory will be issued as soon as possible to assist staff in being able to direct clients and customers to the appropriate person following an enquiry?

Answer by the Lord Mayor

Thank you Councillor Greiner. Given the ongoing improvements to this dynamic organisation, there is a need for a new phone book. I ask the General Manager to please make sure that Councillors are provided with a hard copy?

BANNER POLES (S018724)

5. By Councillor Greiner -

Question

Lord Mayor, I brought to the attention of yourself and fellow councillors in a previous Question Without Notice the harassment by Council staff of a shopkeeper in Haymarket who was to be prosecuted by Council for not removing small banner poles affixed to the front wall of her shop. I understood that it was Council policy to ban all these banner poles.

Could you please inform me as to why a music shop in King Street has these banner poles currently on display, and has had them for a number of months, and there has clearly been no attempt by law enforcement staff to remove them?

Answer by the Lord Mayor

Councillor Greiner, firstly I reject the premise of your question that in any way the staff are harassing this person in the Haymarket. If it is the same person as I think it is, I think the General Manager gave a very fulsome answer at the time about the difficulties in negotiating with this particular individual.

As regards any possible inconsistency of policy in relation to the premises in King Street, I ask the General Manager to investigate that and make sure that policy is applied without fear or favour and consistently.

ITEM 12. NOTICES OF MOTION

There were no Notices of Motion for this meeting of Council.

Closed Meeting

At 6.25pm Council resolved -

That, due notice of the intention to close the meeting having been given, the meeting be closed in accordance with the provisions of -

Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Items 13, 14, 16 and 18 on the Agenda as these matters comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it; and

Section 10A(2)(c) of the Local Government Act 1993 to discuss Items 15 and 17 on the Agenda as these matters comprised discussion of information that would, if disclosed, confer a commercial advantage on a person with whom the council is conducting (or proposes to conduct) business;

Section 10A(2)(a) of the Local Government Act 1993 to discuss Item 19 on the Agenda as this matter comprised discussion on personnel matters concerning particular individuals;

and it was further resolved that the meeting be closed for these items on the basis that discussion of these matters in open session would, on balance, be contrary to the public interest, specifically, there is a need to preserve confidentiality having regard to the subject matter and the circumstances of communications.

Items 13 to 19 inclusive were then dealt with by Council while the meeting was closed to the public.

ITEM 13. KING GEORGE V PLAYGROUND UPGRADE - APPROVAL TO ACCEPT TENDER (S016800)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That arising from consideration of a report by the Executive Project Manager, City Development and Projects to Council on 24 February 2003, on Tender No 0226 King George V Playground Upgrade - Approval to Accept Tender, it be resolved that:

- (A) Council accept the tender submitted by Glascott Group for Tender No 0226 King George V Playground Upgrade in the amount \$425,856.00;
- (B) Council approve funds as listed in paragraph 21 of the subject report for the tender;
- (C) Council approve a contingency sum as listed in paragraph 22 of the subject report to cover the cost of latent conditions, unforeseen works or circumstances;
- (D) Council's attorney be authorised to execute all necessary documentation; and

- (E) Council note that approval has been given by the Minister for Local Government to enter into this contract, as required by clause 2(4) of the Proclamation relating to Boundaries Alterations published in the Government Gazette on Wednesday 19 February 2003.

Carried.

ITEM 14. TENDER 0225 - THE RESTORATION OF FRAZER FOUNTAIN, ART GALLERY ROAD (S020599)

Moved by Councillor Turnbull, seconded by the Chairman (the Lord Mayor) -

That arising from consideration of a report by the Public Art Co-ordinator, City Development and Projects (Architecture and Urban Design) to Council on 24 February 2003, on Tender 0225 - The Restoration of Frazer Fountain, Art Gallery Road, it be resolved that:

- (A) Council reject all tenders;
- (B) Council not invite new tenders as it is considered that a better result will be achieved by negotiations with the tenderers identified in paragraph 17(c) of the subject report, based on reduced scope of works for stone restoration only;
- (C) authority be delegated to the General Manager to enter into a contract for the stone conservation works to a maximum value as identified in paragraph 18 of the subject report;
- (D) Council's attorney be authorised to execute all necessary contracts; and
- (E) Council note that approval has been given by the Minister for Local Government to enter into a contract, as required by clause 2(4) of the Proclamation relating to Boundaries Alterations published in the Government Gazette on Wednesday 19 February 2003.

Carried.

Note - the Chairman (the Lord Mayor) placed on record his concern at the projected cost in relation to this project.

ITEM 15. APPROVAL OF PROJECT (PARK HEALING) TO GO TO TENDER (S021952)

Moved by Councillor Turnbull, seconded by Councillor Greiner -

That arising from consideration of a report by the Manager, Project Management to Council on 24 February 2003, on Approval of Project (Park Healing) to go to Tender, it be resolved that -

- (A) Council approve the calling of open tenders for Park Healing; and
- (B) staff be commended for the manner in which it is proposed that the above ground structures will be preserved.

Carried unanimously.

ITEM 16. TENDER FOR THE PROVISION OF INSURANCE BROKING SERVICES (S021420)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a report by the Risk Manager to Council on 24 February 2003, on Tender for the Provision of Insurance Broking Services, it be resolved that:

- (A) Aon Risk Services Australia Ltd be appointed as the City's Insurance Broker for a four (4) year period commencing 31 March 2003 in accordance with the tender submission submitted on 12 February 2003 (including continuing negotiations to place the City's Asset and Business Interruption policy at best possible terms);
- (B) Council not invite tenders in respect of the insurance policies to be obtained by the City's Insurance Broker during the term of their appointment, as:
 - (i) the primary role of the Insurance Broker is to obtain appropriate insurance policies on the City's behalf, due to (among other reasons) the expertise of the Insurance Broker in doing so;
 - (ii) that in the insurance industry, insurers generally do not offer to provide insurance cover by responding to tenders; and
 - (iii) in performing its role, the Insurance Broker will approach all appropriate insurers, to determine the availability of insurance cover and the premiums payable (to obtain the most competitive premium);

and accordingly a satisfactory result would not be achieved by inviting tenders in respect of insurance policies;

- (C) authority be delegated to the General Manager to finalise the insurance policies described in paragraphs 13 and 14 of the subject report for 2003/04;
- (D) a comprehensive risk identification, quantification and analysis program be undertaken as soon as practical and be completed and reported to Council no later than December 2003 so alternative options can be considered, together with traditional Insurance options for 31 March 2004 renewal.

Carried.

ITEM 17. LEASING PROPOSALS – TOWN HALL HOUSE (S02 2836)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Greiner -

That arising from consideration of a report by the Manager Property to Council on 24 February 2003, on Leasing Proposals - Town Hall House, it be resolved that -

- (A) a lease of the whole of Level 20, Town Hall House, be granted to the Department of Transport on the terms set out in the subject report;
- (B) a lease of the whole of Level 21, Town Hall House, be granted to ERG Transit Systems Ltd on the terms set out in the subject report;
- (C) Council's attorney be authorised to execute all necessary documentation; and
- (D) Council note that approval has been given by the Minister for Local Government to enter into these leases, as required by clause 2(4) of the Proclamation relating to Boundaries Alterations published in the Government Gazette on Wednesday 19 February 2003.

Carried.

ITEM 18. TENDER FOR THE PROVISION OF EXTERNAL AUDIT SERVICES FOR SIX YEARS FROM 2002/03 (S019412)

Moved by the Chairman (the Lord Mayor), seconded by Councillor Marsden -

That arising from consideration of a report by the Finance Manager to Council on 24 February 2003, on Tender for the Provision of External Audit Services for Six Years from 2002/03, it be resolved that:

- (A) the tender submitted by the Audit Office be accepted;
- (B) the City of Sydney enter into an agreement with the Audit Office for provision of Council's external audit services for the six years ended 30 June 2008; and
- (C) Council's attorney be authorised to execute all necessary documentation.

The motion was carried on the following show of hands -

Ayes (4) The Chairman (the Lord Mayor), Councillors Coulton, Marsden and Turnbull

Noes (1) Councillor Greiner

Motion carried.

At this stage of the meeting, the foreshadowed Minute by the Lord Mayor was tabled. It was further resolved that the meeting remain closed in accordance with the provisions of Section 10A(2)(d)(i) of the Local Government Act 1993 to discuss Item 2 on the Agenda as this matter comprised discussion of commercial information of a confidential nature that would, if disclosed, prejudice the commercial position of the person who supplied it.

Item 2 was then dealt with by Council while the meeting remained closed to the public.

ITEM 2. WENTWORTH PARK DEED

That arising from consideration of a Minute by the Lord Mayor to Council on 24 February 2003, on Wentworth Park Deed, it be resolved that -

- (A) the Lord Mayor, or Deputy Lord Mayor if appropriate, be authorised to negotiate and finalise the Deed (as referred to in the subject Minute by the Lord Mayor) between the City and the Minister for Land and Water Conservation, and to make amendments substantially consistent with the draft Deed as attached to the subject Minute;
- (B) authority be delegated to the General Manager to sign the Deed (subject to first receiving the approval from the Minister for Local Government if execution is to occur before 8 May 2003) and take all appropriate actions to ensure compliance by Council with the Deed.

Carried unanimously.

Note - The confidential Minute by the Lord Mayor on Wentworth Park Deed was circulated to all Councillors.

Note - At 6.57pm, at the conclusion of discussion on Item 2, all staff, with the exception of the General Manager, left the meeting of Council.

ITEM 19. PERSONNEL MATTERS

Moved by the Chairman (the Lord Mayor), seconded by Councillor Turnbull -

That arising from consideration of a Memorandum by the General Manager to Council on 24 February 2003, on Personnel Matters, it be resolved that -

- (A) the proposed appointment of Mr Garry Harding as the Director Living City Services be noted; and
- (B) the proposed appointment of Mr Les Simons as Manager Cleansing and Waste be noted.

Carried.

Note - The confidential Memorandum by the General Manager on Personnel Matters was circulated to all Councillors.

At 7.15pm the meeting concluded.

Chairman of a meeting of the Council of the City
of Sydney held on 17 March 2003 at which
meeting the signature herein was subscribed.